2127). Referred to the Committee on Naval Affairs.

Mr. MADDEN: Committee on Naval Affairs. S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.; without amendment (Rept. No. 2135). Referred to the Committee of the Whole House.

Mr. MADDEN: Committee on Naval Affairs. S. 1106. An act for the relief of Malcolm K. Burke; without amendment (Rept. No. 2130). Referred to the Committee of the Whole House.

Mr. IZAC: Committee on Naval Affairs. S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances; without amendment (Rept. No. 2138). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MANSFIELD of Montana:

H. R. 6541. A bill to grant certain servicemen and veterans the benefits of section 251 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. CASE of South Dakota:

H. R. 6542. A bill to make eligible for the acquisition of surplus property certain hospitalized members of the armed forces; to the Committee on Expenditures in the Executive Departments.

By Mr. LYLE:

H. R. 6543. A bill relating to the grades of city delivery carriers converted from the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. MAY (by request):

H. R. 6544. A bill to provide for the national security of the Nation by requiring that all qualified young men undergo a period of training for the common defense; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 6545. A bill to permit the continuation of certain subsidy payments; to the Committee on Banking and Currency.

By Mr. VINSON:

H R. 6546. A bill to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif.; to the Committee on Naval Affairs.

H R. 6547. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; to the Committee on Naval Affairs.

By Mr. FLANNAGAN:

H. R. 6548. A bill to provide for further research into basic law and principles relating to agriculture; to the Committee on Agriculture.

By Mr. McMILLAN of South Carolina:

H. R. 6549. A bill to provide for investments of surplus funds deposited in cash depositories of South Carolina, or in the United States; to the Committee on Banking and Currency.

H. R. 6550. A bill authorizing the rezoning of certain property in the District of Columbia as a residential area; to the Committee on the District of Columbia.

By Mr. RANKIN (by request):

H. R. 6551. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mrs. ROGERS of Massachusetts:

H. R. 6552. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mr. SLAUGHTER:

H. R. 6553. A bill to provide additional means for the settlement of labor disputes, and for other purposes; to the Committee on Labor.

By Mr. WORLEY:

H. R. 6554. A bill to provide that part of the interest on loans guaranteed or insured under the Servicemen's Readjustment Act of 1944, as amended, be paid by the Administrator of Veterans' Affairs, so that eligible borrowers will pay interest at the rate of 1.8 percent per annum; to the Committee on World War Veterans' Legislation.

By Mr. JENNINGS:

H. R. 6555. A bill to authorize a preliminary examination and survey of the Big South Fork River and its tributaries, Tennessee, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MURRAY of Wisconsin:

H. R. 6556. A bill relating to quotas with respect to the slaughtering of cattle and hogs; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H. R. 6557. A bill for the relief of Paul G. Hamel; to the Committee on Military Affairs.

By Mr. ANDERSON of California:

H. R. 6558. A bill for the relief of George Lutley Sclater-Booth; to the Committee on Immigration and Naturalization.

By Mr. BROOKS:

H. R. 6559. A bill for the relief of Gladys Geraldine Skeels; to the Committee on Claims.

By Mr. CASE of South Dakota:

H. R. 6560. A bill for the relief of Louis H. Deaver; to the Committee on Claims.

By Mr. COLE of Kansas:

H. R. 6561. A bill for the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb; to the Committee on Claims.

By Mr. COURTNEY:

H. R. 6562. A bill granting an increase of pension to Mrs. Lula Insley; to the Committee on Pensions.

By Mr. CROSSER:

H. R. 6563. A bill to enroll a certain person on the citizenship rolls of the Apache Tribe; to the Committee on Indian Affairs.

By Mr. ELLIOTT:

H. R. 6564. A bill for the relief of Chiyoichi Y. Koga; to the Committee on Claims.

By Mr. KEARNEY:

H. R. 6565. A bill for the relief of Dominick Angelone; to the Committee on Immigration and Naturalization.

By Mr. KILDAY:

H. R. 6566. A bill for the relief of Mrs. Pearl Ruck; to the Committee on Claims.

By Mr. LEFEVRE:

H. R. 6567. A bill for the relief of Nicholas Garadiasz; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 6568. A bill for the relief of William Edward Samek; to the Committee on Immigration and Naturalization.

By Mr. RANKIN (by request):

H. R. 6569. A bill for the relief of William R. Irvin, to the Committee on Invalid Pensions.

By Mr. RUSSELL:

H. R. 6570. A bill for the relief of Peter Bednar; to the Committee on Immigration and Naturalization.

By Mr. WORLEY:

H. R. 6571. A bill for the relief of Mrs. Ila Sue Messenger; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1909. By Mr. SMITH of Wisconsin: Petition of Wisconsin Cheese Makers Association of Plymouth, Wis., setting forth this organization's views on OPA policies; to the Committee on Banking and Currency.

1910. By the SPEAKER: Petition of the Philadelphia Annual Conference of the Methodist Church, petitioning consideration of their resolution with reference to correction of the coal and railroad strikes; to the Committee on Labor.

1911. Also, petition of the department of Maryland, Disabled American Veterans, petitioning consideration of their resolution with reference to compulsory military training; to the Committee on Military Affairs.

SENATE

SATURDAY, MAY 25, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God who art the hope of all the ends of the earth, as in former times Thy spirit didst breathe over the chaos, confusions, and divisions of struggling States and weld them into one Nation and didst lead forth our fathers unto a wealthy place, so in these latter days, having girded us to conquer tyranny without, wilt Thou heal the tensions within which threaten to tear the fair robe of democracy. Save us from violence, discord, confusion, and from all pride and arrogance. Endue with the spirit of wisdom those who in Thy name are trusted with the authority of governance, to the end that there may be peace within our borders. Forbid that the precious oil of our unity be spilled upon the ground to ignite selfish fires; may it still feed the flame of liberty's torch as it enlightens the whole darkened earth. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, May 24, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment in which it requested the concurrence of the Senate:

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure; and

S. 752. An act to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and

critical materials for national defense purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, and it was signed by the Acting President pro tempore.

THE STRIKE CRISIS—ADDRESS BY THE PRESIDENT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the address on the strike situation, delivered over the radio last night by the President of the United States, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My fellow countrymen, I come before the American people tonight at a time of great crisis. The crisis of Pearl Harbor was the result of action by a foreign enemy. The crisis tonight is caused by a group of men within our own country who place their private interests above the welfare of the Nation.

As Americans you have the right to look to the President for leadership in this grave emergency. I have accepted the responsibility, as I have accepted it in other emergencies.

Every citizen of this country has the right to know what has brought about this crisis. It is my desire to report to you what has already taken place and the action that I intend to take.

Negotiations between the unions and the railroad operators started in accordance with the Railway Labor Act. Twenty unions were involved. Eighteen of these unions agreed to arbitrate the wage question, and an award was made. Alvanley Johnston, president of the Brotherhood of Locomotive Engineers, and A. F. Whitney, president of the Brotherhood of Railway Trainmen, refused to arbitrate the matter for their unions and instead took a strike vote. An emergency board heard the case of these two unions and recommended the same wage increase awarded to the other 18 unions. Mr. Johnston and Mr. Whitney, however, rejected the emergency board's recommendation in its entirety.

I began conferring with Mr. Whitney and Mr. Johnston as far back as February 21, 1946, in order that every effort should be made to avert a rail strike. When it became evident that the parties themselves were unable to agree, I submitted a compromise proposition to all the parties involved.

Negotiations were made considerably more difficult by the attitude of Mr. Whitney and Mr. Johnston in refusing my request that they meet with the operators and the other 18 unions in a joint conference in the office of the President of the United States. They agreed to meet with the operators but not in the presence of the representatives of the other unions. Accordingly, three separate conferences had to be held in the White House.

The unions had been awarded an increase of 16 cents per hour and certain changes in rules by the arbitration and emergency boards. I recommended that they accept the 16-cent increase awarded by the boards, plus 2½ cents in lieu of rule changes. These rule changes had been considered by the emergency board, which recommended that most of them be negotiated by the parties.

After consideration this compromise was accepted by the operators and by 18 of the unions. These 18 unions were cooperative. They placed the interests of their country first. The compromise was rejected by the locomotive engineers and the trainmen.

This offer of an increase of 18½ cents per hour was eminently fair. It would have resulted in actually increasing the take-home pay of the union members above the greatest take-home pay which they enjoyed during the war. In addition, these two unions are among the highest-paid unions in the country. It is also important that the suggested increase of 18½ cents was within the wage stabilizati n formula—and this formula must be maintained.

Instead of accepting this offer as did 18 of the unions and the operators, Mr. Johnston and Mr. Whitney chose to reject it and to call a strike of their unions. I assume that these two men know the terrible havoc that their decision has caused and the even more extreme suffering that will result in the future. It is inconceivable that the rank and file of these two unions realize the terrifying situation created by the action of these two men.

The effects of the rail tie-up were felt immediately by industry. Lack of fuel, raw materials, and shipping is bringing about the shut-down of hundreds of factories. Lack of transportation facilities will bring chaos to food distribution.

Farmers cannot move food to markets. All of you will see your food supplies dwindle, your health and safety endangered, your streets darkened, your transportation facilities broken down.

The housing program is being given a severe set-back by the interruption of shipment of materials.

Utilities must begin conservation of fuel immediately.

Returning veterans will not be able to get home.

Millions of workers will be thrown out of their jobs.

The added inflationary pressure caused by the drop in production cannot be measured.

While the situation in our country is extremely acute, the condition in Europe is tragic. Most of our friends today in liberated Europe are receiving less than one-third of the average American consumption of food. We have promised to help the starving masses of Asia and Europe, and we have been helping them. We have been exerting our utmost efforts and it is necessary for us to increase our shipments. At this minute 100,000 tons of grain are being held up by the strike of these two unions. UNRRA has 12 ships scheduled to leave from our ports with grain. These ships cannot sail because the strike of these two unions is keeping the food from reaching the ports. If these ships are held up any longer it means that the bread supply of 45,000,000 people will be cut off within 1 week.

These people are living from hand to mouth. They depend upon weekly shipments from us to meet their minimum daily needs. This grain held up in this country by the strike of these few men means the difference between life and death to hundreds of thousands of persons. This is stark, tragic truth. If the operation of our railroads is not resumed at once thousands of persons, both here and abroad, will starve. During these past weeks I have told Mr. Johnston and Mr. Whitney of the tragedy that would result from a strike. They have refused to heed my warning. I doubt whether the rank and file of their unions have been told these facts. I am telling them now so that each one of them can face his conscience and consider the spectre of starvation and death that will result from the course which Mr. Whitney and Mr. Johnston are following.

I do not speak tonight of the situation in the coal mines of the Nation, for the men are now at work and negotiations for settlement are now taking place between the Government and the unions.

I am a friend of labor. You men of labor who are familiar with my record in the United States Senate know that I have been a consistent advocate of the rights of labor and of the improvement of labor's position. I have opposed and will continue to oppose unfair restrictions upon the activities of labor organizations and upon the right of employees to organize and bargain collectively. It has been the basic philosophy of my political career to advocate those measures that result in the greatest good for the greatest number of our people. I shall always be a friend of labor.

But in any conflict that arises between one particular group, no matter who they may be, and the country as a whole, the welfare of the country must come first. It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

I would regret deeply if the act of the two leaders of these unions should create such a wave of ill will and a desire for vengeance that there should result ill-advised restrictive legislation that would cause labor to lose those gains which it has rightfully made during the years.

As President of the United States, I am the representative of 140,000,000 people and I cannot stand idly by while they are being caused to suffer by reason of the action of these two men.

This is no contest between labor and management. This is a contest between a small group of men and their Government. The railroads are now being operated by your Government and the strike of these men is a strike against their Government. The fact is that the action of this small group of men has resulted in millions of other workers losing their wages. The factories of our country are far behind in filling their orders. Our workers have good jobs at high wages but they cannot earn these wages because of the willful attitude of these few men. I cannot believe that any right of any worker in our country needs such a strike for its protection. I believe that it constitutes a fundamental attack upon the rights of society and upon the welfare of our country. It is time for plain speaking. This strike with which we are now confronted touches not only the welfare of a class but vitally concerns the well-being and the very life of all our people.

The railroads must resume operation. In view of the extraordinary emergency which exists, as President of the United States, I call upon the men who are now out on strike to return to their jobs and to operate our railroads. To each man now out on strike I say that the duty to your country goes beyond any desire for personal gain.

If sufficient workers to operate the trains have not returned by 4 p. m. tomorrow, as head of your Government I have no alternative but to operate the trains by using every means within my power. I shall call upon the Army to assist the Office of Defense Transportation in operating the trains and I shall ask our armed forces to furnish protection to every man who heeds the call of his country in this hour of need.

This emergency is so acute and the issue is so vital that I have requested the Congress to be in session tomorrow at 4 p. m. and I shall appear before a joint session of the Congress to deliver a message on this subject.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL] on behalf of himself and other Senators.

Mr. REVERCOMB. Mr. President, yesterday the able Senator from Massachusetts [Mr. SALTONSTALL] and I offered an amendment to the pending amendment which was accepted. I will say to the Members of the Senate that what occurred in the acceptance of the amendment appears on page 5607 of the RECORD of yesterday. The added language is as follows:

Nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section.

When the amendment was offered and accepted, as will be seen from the RECORD, the Senator from Minnesota [Mr. BALL] requested that the amendment as modified by the new language offered and accepted be printed. That was ordered by the Presiding Officer, but the order has not been carried out. Therefore, I must call the attention of Members of the Senate to the RECORD to see there just what transpired and to see the contents of the added language. That language is added at the end of the pending amendment. The necessity for it, if I may explain, is readily seen when, on page 3, it is provided that during the pendency of the negotiations of settlement it shall be the duty of the employees and their representatives to refrain from strikes during the fixed period; and if they fail to refrain from striking, a penalty is placed upon them that they shall lose their status as employees of the employer engaged in the particular labor dispute, and that such loss of employment status for such employee shall terminate if and when he is reemployed by such employer.

The authors of the new language felt that it would be very unfair and very unjust to employees in any industry to penalize them if, because of abnormal or unusually dangerous conditions, they should refrain from working. I know that the Senate and the Congress of the United States do not want to put men under an obligation to work in an abnormally dangerous place. Of course there are classes of employment in connection with which there are innate dangers, such as bridge building, structural steel work, and coal mining, but where an unusual condition of danger other than a normal condition of safety exists, Mr. President, no man should be required to go there, and if all of them stop work they should not be penalized for such stoppage. It is to meet that situation that the language was written into the amendment.

One of the great needs in industry today is the protection of life and limb and health. We have already adopted an amendment that permits the setting up of a welfare fund for the improvement of the health and sanitation and the taking care of the injured; and certainly we do not want to place in this law any provision which would require men to work under abnormally dangerous conditions.

With that explanation, and because of the limitation of time for discussion this morning, I submit that the added language strengthens very much the Ball amendment, which would permit men to remain at their work during the time controversial issues were being discussed for settlement, but would not require them under a penalty to continue at work in a place that is too dangerous to work in. I think that is indeed the purpose of the Congress as we pass laws to meet the chaotic and strained situation existing in our country today.

Mr. BALL. Mr. President, I yield to the Senator from Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I want to express my unqualified approval of the pending amendment. I believe it is exactly along the right line and will do a great deal to avoid strikes. It has been carefully prepared and in my opinion it will be most effective.

I desire also to take this occasion to commend highly the courageous speech made last night by President Truman. He met the issue in forthright fashion.

No American can question the fact that the time has come for stern and positive action to save this country from anarchy and chaos due to the ruthless action of just a few men.

I was called from the floor on Thursday night and asked to make a brief statement over the radio and then said:

Tonight powerful labor leaders are in open revolt against their own Government. With railroads idle and coal mines again closing, we face a great national crisis. The dignity and authority of our National Government must be quickly reestablished. Appeasement of these ruthless leaders of labor has been practiced for too long. We must have courageous, firm and, above all, quick action if a national catastrophe is to be averted. I, for one, am not willing to concede that our great Government is impotent to deal with this situation. Let the Congress remain in constant session if need be.

Let President Truman come to Capitol Hill, as is the custom in a national emergency, and then by the united action of the President of the United States and the Congress means, I feel certain, can be effectuated to control those willful men who place their selfish aims above the public welfare.

On yesterday I conferred with the President at the White House and recommended to him as strongly as I could that prompt and effective and firm measures be taken to restore the control of our Government to its duly elected representatives.

A strike of the employees of the Government-seized railroads is a strike against the Government. A strike of the employees of the Government-seized coal mines is a strike against the Government. No democracy can survive when a few men not elected or responsible to the people usurp authority which is used in a way destructive of the national interest.

In his message of last night, President Truman said:

It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

The President stated the situation very accurately as affecting the two labor leaders who have caused the railroad strike against the wishes of 18 other unions, which comprise a vast majority of the total employees affected. But the same thing applies to John L. Lewis, who controls the production of coal; to Philip Murray, who controls the production of steel.

The longshoremen and marine workers have scheduled a strike for June 15, and one man may determine whether or not water transportation will stop or continue; and, if stopped, many thousands will starve in foreign lands and our internal conditions will be still further disrupted.

So today the operations absolutely vital to our existence are in the control of any one of a half-dozen labor leaders who by ruthless action, by coercion made possible by a threatened national calamity, can destroy the business economy of our country and endanger the lives of our citizens.

What has created a situation in this country whereby one man in a vital industry can exercise supreme control over the lives, the happiness, and the prosperity of our citizens? The reason is that these great labor leaders have built up their power because no one in high public office has dared to challenge them. Power begets power. John L. Lewis, on at least four occasions, has proved himself to be bigger and more powerful than the Government of the United States. His constant victories over the Government have built up his ego so that he does not recognize compromise but only a subservient acceptance of his demands will satisfy him. Otherwise he orders a stoppage of all coal production.

Again, whenever John L. Lewis or any other great labor leader fails to win further concessions, then that labor leader loses his power. It is this situation, Mr. President, that has created a condition in America which is more dangerous, I think, to our American institutions than anything else that exists today.

The settlement of one strike brought about by selfish demands of one labor leader does not mean that another labor leader powerfully situated in another vital industry cannot likewise create a condition of national catastrophe. This is a menace that we must face and remove. It cannot be solved by appeasement. Further appeasement and surrender will only make more disastrous the ultimate consequences.

I think the Congress should stay in session today, tonight, Sunday, and continuously from then on until we do what may be necessary to protect the very existence, not only of our Republic, but even the lives of our citizens. Our very institutions of government are on trial. It is for us to meet the challenge and preserve our Republic.

Mr. HATCH. A parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HATCH. What is the pending question?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment, as modified, offered by the Senator from Minnesota [Mr. BALL] for himself, the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH] and the Senator from New Jersey [Mr. SMITH], to House bill 4908.

The Senate is proceeding under a unanimous-consent agreement, and the time is under the joint control of the Senator from Minnesota [Mr. BALL] and the Senator from Montana [Mr. MURRAY].

Mr. BALL. Mr. President——

Mr. REVERCOMB Mr. President, will the Senator yield for just one inquiry?

Mr. BALL. I yield.

Mr. REVERCOMB. The Presiding Officer stated the question to be upon the amendment of the Senator from Minnesota [Mr. BALL] and other Senators. It is upon that amendment as modified by an amendment accepted yesterday.

The ACTING PRESIDENT pro tempore. The Senator is correct. The question is on agreeing to the Ball amendment as modified.

Mr. BALL. Mr. President, yesterday the Senator from Colorado [Mr. MILLIKIN] propounded a question about the meaning of the language in subparagraph (2) on page 2 of the amendment about the collective bargaining conference to be held "not later than 10 days," and so forth. I think the language is a little ambiguous, and I modify the amendment by inserting in line 9, on page 2, between the words "conference" and "not" the words "to be held."

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

Mr. BARKLEY. Mr. President, I merely wish to announce to the Senate what I am sure it will be happy to learn: That the railroad brotherhoods involved in the pending strike have agreed to go back to work immediately.

The ACTING PRESIDENT pro tempore. Does the Senator from Minnesota desire recognition?

Mr. BALL. Mr. President, I discussed the pending amendment at some length yesterday. All it does is to attempt to set an orderly pattern for collective bargaining and mediation of labor-relations disputes and to place a very mild injunction on both employers and employees when they are involved in a dispute affecting commerce which the Federal Mediation Board believes to be important enough so that it proffers its services in an effort to settle the dispute. Under the amendment, in such cases employers and employees would be under an obligation to devote at least 60 days to efforts to settle the dispute peaceably, by both collective bargaining and by mediation, before they resorted to the use of economic force, which result in a stoppage of production.

Mr. President, the amendment is a very mild one, and I think, in the long run, it will do a great deal to introduce order and eventually to minimize stoppages of production in the major industries affecting commerce.

Mr. President, I should like to reserve the final 5 minutes of my time until after we have heard the opposition to the amendment.

Mr. LA FOLLETTE. Mr. President, will the Senator from Montana yield me 5 minutes?

Mr. MURRAY. I yield the Senator from Wisconsin 5 minutes.

Mr. LA FOLLETTE. Mr. President, I rise in opposition to the amendment. I think it is based on the same erroneous concept upon which the strike-vote provisions of the Smith-Connally Act were based. It is based on the theory that strikes usually originate as the result of autocratic action taken by union leaders, and not because there is discontent and a desire for improvement of working conditions or wages on the part of the membership of the union.

Senators will recall that the strike-vote provisions of the Smith-Connally Act were held out as a means of preventing strikes. The record since that act went on the statute books, and especially since VJ-day, shows conclusively that it has not had that effect. Strike votes have been taken prior to the time of collective bargaining or the expiration of a contract, or they have been taken shortly after those proceedings got under way in order to meet the terms of the Smith-Connally strike-vote provisions.

I fear that the pending amendment, instead of producing increased industrial peace and better labor relations between management and unions, will have the opposite effect. I concede that in those industries where there have been harmonious relationships between organized labor and employers they may conform to this congressional declaration of policy. But, unfortunately, Mr. President, although I think a large majority of the employers have accepted in good faith collective bargaining by representatives chosen by their workers, as conceived and legislated for in the National Labor Relations Act, there still remains an intransigent but powerful minority of employers who have never accepted in good faith and at heart the principle of independent collective bargaining upon the part of unions organized and choosing their own independent representatives.

I know that to be true as a result of my own experience and 4 years of investigation in this field. While I think there has been some improvement in the situation, I know of my own personal knowledge, from having talked to large employers of labor, that some of them, I am sorry to say, are only looking forward to the time when they anticipate there will be widespread unemployment and labor will be at a disadvantage, when once more they will attempt to smash the progress which organized labor has made under the Wagner Labor Relations Act. In those types of industries, Mr. President, and in those concerns where there has been this long period of poisoned relationships between the employer and the employee, I fear that the terms of the amendment will have the effect of bringing on strikes in advance whenever the workmen are fearful, because of their past experiences, that the employer is not going to bargain in good faith. Consequently, Mr. President, I think the amendment may have a very unfortunate effect in the kind of relationship I am describing.

I emphasize again that I do not think what I have said applies in the majority of relationships, but it does apply I regret to say, in many instances. I fear that during the 60-day period, if it shall be invoked, employers who desire to break unions will, during the negotiations which may be proceeding conduct themselves in a manner to provoke their employees to violate the 60-day provision. If and when that happens, Mr. President, we will have put the most effective union-breaking power in the hands of the employer that has ever been provided in a piece of serious legislation, for if by his attitude, an employer who desires to smash a union of his employees can provoke the men into striking during the 60-day period allowed for collective bargaining, it rests within his power to say which ones of his employees shall be reemployed at the end of the strike, and thus the workers will be in a position to lose all the rights which they have in that particular occupation.

I fear Mr. President, that despite the intent of the authors of the amendment to bring about more peace in labor relations, it will have directly the opposite effect. For these reasons, briefly stated, I cannot support it.

Mr. MURRAY. Mr. President, the Senator from Wyoming [Mr. O'MAHONEY] asked for 5 minutes' time. He does not appear to be present at the moment.

Mr. HATCH. Mr. President, if the Senator who asked for time from the Senator from Montana is not present at the moment, and if the Senator from Montana can yield me 2 or 3 minutes of time, I shall be glad to take that time now, because I want to express my wholehearted approval of the pending amendment.

Mr. BALL. I am glad to yield 5 minutes to the Senator from New Mexico.

Mr. HATCH. I do not want to take up that much time. I see the Senator from Wyoming has now the Chamber.

Mr. President, I wholeheartedly approve the amendment. It is not an effort in any way to curtail the rights of labor. It does in a measure postpone the right to use the extreme weapon of force—the force of the strike—in economic relations. It does not take that weapon away from labor at all, but it does set up a mediation board, giving to labor itself and also to management another weapon—the weapon of peaceful negotiation of settlement of disputes without force and without violence. It is something which the Government has long neglected to provide to the ranks of labor and to the ranks of management. Heretofore the Federal Government and the several States have been content and willing to let economic warfare exist, and to have settlement of these problems which affect the life of all the Nation made according to the rule of force, might, and violence, which is exactly the thing we are trying to do away with in international affairs

by providing among nations opportunities for conferences and agreements by which war may be driven from the world.

Now, we try by this mild measure—most mild, indeed—to give 60 days' time when these contending—no; more than that—these warring forces—too often warring—may settle their differences by peaceful negotiations with the aid and help of an established board of government. By this means we try to bring about orderly and peaceful adjustment without resort to force and violence.

Mr. President, if anything, the amendment is too mild and does not go far enough. It ought to be adopted.

Mr. MURRAY. Mr. President, I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I think that no one can quarrel with the intent and purpose of the Senator from New Mexico just expressed, nor I believe with the sentiment expressed by the distinguished and able Senator from Minnesota, who has been the principal spokesman for this amendment. I fear, however, Mr. President, that in the consideration of this legislation we are overlooking a very fundamental aspect of the whole problem. We are dealing here not with the excesses of labor alone—and there have been some excesses—we are also dealing with the fundamental problem of the concentration of economic power.

There has come over this Nation and over the world a great transformation. Our economy is no longer the economy of individuals acting in their individual capacity, with their own individual property or their individual labor. Our economy now, Mr. President, is one huge economic organization which has the effect of suppressing the liberty of individuals. This economic organization first became manifest in the realm of management. In the great industrial and commercial organizations which span this country in their operations the owners, namely, the stockholders, have completely delegated away to a few experts who constitute management the entire power to wield the tremendous influence of concentrated capital. It was the wielding of that concentrated power by a few managers which in the first instance created the problems of labor with which we are now dealing.

Several years ago the Congress of the United States, upon the recommendation of President Roosevelt, appointed a joint committee of the executive and of the legislative to make a study of the concentration of economic power in the United States. I had the honor of serving as the chairman of that committee. In March 1941, I had the privilege of presenting on this floor the final report of that committee. It was presented, as I say, in March 1941, when the clouds of war were descending upon the world and upon the United States. Europe and Asia were then involved in war, and we were about to become involved. We were turning all our great economic power, through lend-lease, to the assistance of those who later became our allies. Perforce our attention was diverted from domestic problems. We were unable to give further consideration to the reorganization and readjustment of our domestic economic situation and our domestic economic machinery to meet the changed condition.

In that final report, which I filed on March 31, 1941, on pages 47 and 48 will be found the following statement which I wrote, in which I attempted to summarize briefly and pointedly the conclusions to which my mind was led by the facts which were presented to that committee. I believe that Senators will credit me when I say that these conclusions were reached in a spirit of impartiality, in a spirit of a sincere desire to understand the problems with which we were confronted. I hope Senators will bear with me as I read these words of 1941:

It is a fundamental rule of democratic society, as already pointed out in this report, that authority over the society proceeds from the whole and not from any part of it. It follows from this that the organizations which affect the whole should be amenable to the whole and should derive their authority from the whole. Organizations, which from their very nature must of necessity influence the political or economic life of a democracy, must be of a character to reflect the will of the members rather than the will of the leaders.

Democratic society is willing to permit the individual to exercise the utmost freedom because no individual acting alone can so injure the entire community (except in the case of crime) as to justify the withdrawal of individual liberty. This is not the case, however, when organizations become so large and powerful that by weight of numbers, by wealth or power they threaten or affect the public welfare. In such instances the public has the right to define the nature and the form of the organization, not for the purpose of "regimenting" it but for the sole purpose of making certain that the organization shall operate in the public interest.

For this reason, since it appears that as a result of economic concentration there are not only huge corporate business and industrial organizations which intimately affect the entire national economy, but also trade associations, agricultural associations, consumers' organizations and labor unions, as well as pressure groups of various kinds, all of which are beyond the jurisdiction of local political subdivisions, I am personally of the opinion that the Congress, which represents all the people, should, by legislation, lay down definite standards of organization and activity for all such groups. This would be no easy task, but it seems to be preeminently a necessary one, for if the people of America, in order to make the defense of democracy effective, have found themselves obliged to coordinate all their forces and resources for the purposes of war, it seems clear that a similar coordination must be made effective if we are to establish the coming peace upon an unassailably democratic basis.

The mark of our economy has been largely one of restricting production for the purpose of maintaining price. That policy is to be found everywhere, but the defense crisis teaches us that stimulated production, not restricted production, is our great need. If, under the impetus of war, we are eliminating all restriction on production, surely the demonstrated economic needs of millions teach us that we should have the same policy in peace. Only thus can we hope to distribute equitably among all the people the abundance nature provides.

The termination of the war effort, putting to an end, as it may very suddenly, the industrial activity now gaining tremendous momentum, will bring with it problems more critical and more fraught with danger than those which followed the collapse of 1929. Unless the democratic society of America shall have prepared in advance for this hour, there will be no alternative except Government action, which will necessarily be as inconclusive as the action which has heretofore been taken. The unsolved problems of postwar depression will be heaped upon the unsolved problems of prewar depression, and it is difficult to say how, in these circumstances, democracy can survive unless democracy prepares for peace now.

Therefore I recommend that the Congress by an appropriate statute call a national conference of the various organizations representative of business, labor, agriculture, and consumers, which have for years been working on the diverse phases of the economic problem. The duties of such a conference would be twofold, first, to define the nature and democratic responsibility of such organizations—business, labor, agriculture, and all—and, second, to define a formula for stimulated production under the impetus of peace rather than war.

Mr. President, the events of the past few months conclusively demonstrate to my mind the accuracy of that analysis of our condition made in March 1941. We shall not solve this problem by dealing with labor alone. It may be acknowledged that nationally organized unions of workingmen should be made responsible to the will of all the people, because in economic affairs, as in political affairs, the old axiom of geometry is perfectly sound: "The whole is greater than any of its parts." Our trouble, Mr. President, is that we have not developed the rule of order for the whole. We have not developed the rule of order which shall apply to all of the different segments. If we undertake in a moment of passion, such as now prevails, to devise a rule which many members of organized labor believe to be directed against them, against the existence of their organizations, against their right to band together to protect the conditions under which they labor, if such an impression is created, in my judgment it will result, not in an improvement, but, rather, in a worsening of the conditions which confront us.

Mr. President, now we have had an example of what may be done. Last night the President made his appeal to the people of America. Perhaps I should not use the word "appeal." The President last night in a memorable talk to the people of America announced that the Government must remain unassailed and unassailable. That is a basic principle of order, Mr. President. We know now that the labor organizations to whom that message was immediately directed have returned to work. The action of the President has brought about the basis for a restoration of economic order. The Executive must act; the Executive did act. The response has been made.

Now in due course the time comes for the legislative body to prescribe the rule. But, Mr. President, if we apprehend what is going on in the world about us, we must know that it is incumbent upon the greatest democratic nation in the world to reach an understanding of that rule by adjusting all of the different conflicts of opinion. It is not a matter which can be worked out in debates such as we have had here on the floor of the

Senate on the pending bill. Senators will recall that amendment after amendment has been presented to the measure which is now under consideration. The chairman of the Committee on Education and Labor has on his desk a folder containing all these amendments. It is the largest folder of the kind I have ever seen, dealing with any measure that has been presented to the Senate for action. Most of these amendments were not submitted to the committee. They were not the subject of study and testimony and hearing by the committee. They are offered upon inspiration, as it were, on the floor, and then they are modified and remodified. We are coming to a realization of what everybody who participates in a parliamentary body must realize to be the fact, namely, that sound legislation cannot be drafted upon the floor. When such an attempt is made, Mr. President, it inevitably results in bad law.

But now that the railroad workers have responded to the call of the President and have agreed to see that the trains shall be moving again, it seems to me unavoidable that we must now undertake in a spirit of understanding, of sympathy, and of cooperation, to work out the rule which will apply to all these diverse phases and segments of our economy. To legislate hastily with respect to one and not with respect to others will inevitably breed suspicion that injustice may be inflicted.

Last night I received a telegram from various officers of labor unions who are not involved in strikes, saying, "Please do not punish us for conditions for which we are not responsible and in which we have not participated."

Mr. President, Senators will remember the plea which was made only the night before last by the distinguished and able senior Senator from Massachusetts [Mr. WALSH], that legislation of this kind is not directed against those individuals who, in the public mind, are perhaps being held responsible at this moment for the conditions which have existed, but legislation of this kind is directed against all. It is directed not merely against the labor leader but also against the members of his organization.

Mr. President, I sought this morning to obtain the full text of a speech which was made yesterday by John Foster Dulles. I saw a brief report of it in the Washington Post. I have not been able to obtain the entire text of his speech; but I should like to read to the Senate the extract which appeared in this morning's Washington Post, on page 12:

ATLANTIC CITY, N. J., May 24.—John Foster Dulles, lawyer and consultant on international affairs, declared tonight the United Nations was relatively impotent and that peace negotiations in Paris failed because Soviet leaders consider American ideas of freedom to be obsolete.

Dulles, honorary chairman of the National Laymen's Committee of the Presybyterian $27,000,000 restoration fund, told 880 commissioners at the one hundred and fifty-eighth general assembly of the Presbyterian Church in the U. S. A. (north) that Soviet leaders sought world-wide acceptance of their system as the basic goal of their foreign policy.

"I do not believe that labor and management realize that their present performance is discrediting our free society to such an extent that it jeopardized the peace and may render vain the human and material sacrifices of the war," Dulles said.

"We use our freedoms in ways which, to others, seem to demonstrate that they lead to a disorder which the world in its weakened condition cannot stand.

"But Soviet leaders, themselves atheistic, are not disposed to bend to conceptions which, to them, seem obsolete and to have little authority except the waning tradition of a dying faith."

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the time of the Senator has expired.

Mr. MURRAY. Mr. President, I yield the Senator from Wyoming 3 minutes more.

Mr. O'MAHONEY. Mr. President, under the brief extension, let me add——

The ACTING PRESIDENT pro tempore. The Chair is advised that the time allotted to the Senator from Montana has expired.

Mr. SALTONSTALL. Mr. President——

Mr. BALL. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I shall vote for the pending amendment. I shall not vote for all the amendments which have been offered or may be offered to the bill, but I shall vote for this amendment because I believe it will prove helpful to our whole society in the United States at this time.

What we want today is greater production. What we want today is an opportunity for more jobs. What we need today is greater faith in ourselves, less distrust in each other, and greater confidence that we can get along with each other.

The other day I listened to the distinguished Senator from Wyoming [Mr. O'MAHONEY] who has just taken his seat. I was much impressed by what he said. After listening to him, I came away with the feeling that we want less distrust of one another; we want more ability to get along with each other. We know that when men are under great strain they cannot get along with each other as well as when their relationships are calm. We have seen that demonstrated in this body during long, heated night sessions. How different it was when Members were endeavoring calmly to consider the business before them.

The pending amendment will afford an opportunity for men to cool off, and sit together at a conference called by persons who have no part in the dispute, but who wish to help in working out an agreement. It seems to me that the amendment is directly in line with what the distinguished Senator from Wyoming said the other day, namely, that it will afford an opportunity for contending forces to sit down and work out their problems, and at the same time keep production moving. If we do not have production we will not have jobs.

I should like to reply briefly to the Senator from Wisconsin. Earlier in the day he said in substance that he would vote against the amendment because he believed it would result in increasing the already difficult relationships between some employers and their employees. I believe that a careful reading of the amendment will eliminate such fear. In the amendment it is provided that the Federal Mediation Board may proffer its services. If it concludes, after examining into the dispute, that it cannot accomplish a settlement of the dispute, it will immediately conclude its hearings. The hearings do not necessarily have to continue for 60 days. If men of the proper type and ability are appointed to the Federal Mediation Board, and they see that an employer is not properly treating his employees and not living up to the spirit of the amendment, the Board may immediately conclude its hearings and permit the employees to discontinue their work and go on strike, which is their right and may become their duty under these special circumstances.

Mr. President, I believe that the amendment is in the interest of better collective bargaining, in the interest of more jobs, and in the interest of greater production. It will afford an opportunity for contending parties to sit down together. It will encourage them to have faith in each other instead of distrust, and will enable them to solve their common problems and at the same time attain greater production, which is the need of this country today. I hope the amendment will be adopted.

Mr. BALL. Mr. President, I wish briefly to reply to one of the arguments made by the Senator from Wyoming, the effect of which was that these amendments had come hastily to the Senate, or had been ill-considered and not carefully studied.

The Senate Committee on Education and Labor spent several weeks in holding hearings on these specific issues. Each of the six amendments which have been proposed by the minority members of the committee, of which the pending amendment is one, were offered and discussed in the committee. The pending amendment was defeated in the committee by a vote of 9 to 6.

Moreover, Mr. President, in connection with the charge that the Senate is rushing into legislation in this field, I think we may say that if Senators will consider the over-all picture they will find that since January 30, 1938, various committees of the House and Senate held more than 265 days of hearings, and took more than 23,000 pages of printed testimony concerning matters directly related to the industrial relations problem. The subject was studied by committees of both the Senate and the House, and on four separate occasions the House by a large majority passed measures which it considered necessary in order to correct the labor situation then confronting the country.

Mr. President, as I have said over and over again, the pending amendment is not antilabor. It is not aimed at any party involved in the employer-employee relationship. Every obligation which the amendment would impose is imposed equally upon employers and employees as well as upon their representatives.

The Senator from Wisconsin referred to the provision in the Smith-Connally Act which requires that a strike vote be taken, followed by a 30-day so-called cooling-off period. I do not believe that

it will ever be possible to have the pending amendment referred to except in connection with a 60-day cooling-off period. The Smith-Connally provision was for a cooling-off period of 30 days after the employees had voted to strike.

The pending amendment provides that when a dispute affecting interstate commerce is of such a serious nature that the Federal Mediation Board believes that it should step into the picture, it proffers its services. In that event both the employer and employees shall devote at least 60 days to collective bargaining and mediation efforts in an attempt to settle the dispute peacefully before the employees resort to economic force and a stoppage of production. Mr. President, I believe that is the very minimum which the Congress should demand. The amendment will not injure the unions in any way. Most unions have a policy of spending sometimes as many as 90 days, and it has been known that they have spent as many as 4 months, in an effort to settle disputes before resorting to strikes. Most all the representatives of unions who appeared before the committee stated it was their policy to make every effort to arrive at a peaceful settlement before resorting to the strike. The pending amendment provides that they shall spend at least 60 days in an effort to solve their difficulties before going on strike.

Mr. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Reed
Ball	Hickenlooper	Revercomb
Barkley	Hill	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Briggs	Johnston, S. C.	Shipstead
Buck	Kilgore	Smith
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Langer	Taft
Capper	Lucas	Taylor
Connally	McCarran	Thomas, Okla.
Cordon	McClellan	Thomas, Utah
Donnell	McFarland	Tobey
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Mead	Wagner
Ferguson	Millikin	Walsh
Fulbright	Mitchell	Wheeler
George	Moore	Wherry
Gerry	Morse	White
Green	Murdock	Wiley
Guffey	Murray	Wilson
Gurney	Myers	Young
Hart	O'Daniel	

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL], for himself, the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and the Senator from New Jersey [Mr. SMITH].

Mr. BALL. Mr. President, I ask that the amendment may be printed in the RECORD at this point so that it will appear in connection with the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 19, beginning with line 16, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

"(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements;

"(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a collective-bargaining conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held not later than 10 days after receipt of a written request therefor and endeavor in such conference to settle such dispute expeditiously; and

"(3) in case such dispute is not settled by conference, cooperate fully and promptly in such procedures as may be undertaken by the Federal Mediation Board under this act for the purpose of aiding in a settlement of the dispute.

"(b) Whenever the Federal Mediation Board proffers its services for the purpose of aiding in a settlement of a labor dispute affecting commerce and until the Board certifies that its efforts at mediation are concluded or until 60 days have elapsed since the giving of notice asking a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

"(1) of the employer or employers involved to refrain from any lock-out and to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made;

"(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

"(c) Any employer who fails to perform the duties imposed on him by subsection (b) of this section shall be deemed to have engaged in an unfair labor practice within the meaning of section 8 of the National Labor Relations Act, and the National Labor Relations Board is hereby authorized to utilize such powers as are granted to it by such act to prevent and restrain such unfair labor practices.

"(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

"(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive, and no other legal or equitable remedy for such failure shall be available. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators.

Mr. BALL, Mr. MURRAY, and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MURRAY. On this vote I announce that the Senator from Florida [Mr. PEPPER] is detained on important public business. If he were present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD], the Senators from North Carolina [Mr. BAILEY and Mr. HOEY], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from Illinois [Mr. BROOKS] is absent by leave of the Senate, and is delayed en route on his return because of transportation difficulties. If present he would vote "yea."

The result was announced—yeas 54, nays 26, as follows:

YEAS—54

Andrews	Gerry	Revercomb
Austin	Gurney	Robertson
Ball	Hart	Russell
Brewster	Hatch	Saltonstall
Bridges	Hawkes	Shipstead
Buck	Hayden	Smith
Bushfield	Hickenlooper	Stanfill
Byrd	Hill	Stewart
Capehart	Huffman	Taft
Capper	Johnston, S. C.	Thomas, Okla.
Connally	Knowland	Tobey
Cordon	Lucas	Tydings
Donnell	McClellan	Vandenberg
Eastland	Millikin	Wherry
Ellender	Moore	White
Ferguson	O'Daniel	Wiley
Fulbright	Overton	Wilson
George	Reed	Young

NAYS—26

Aiken	Langer	Murray
Barkley	McCarran	Myers
Briggs	McFarland	O'Mahoney
Downey	McMahon	Taylor
Green	Magnuson	Thomas, Utah
Guffey	Mead	Wagner
Johnson, Colo.	Mitchell	Walsh
Kilgore	Morse	Wheeler
La Follette	Murdock	

NOT VOTING—16

Bailey	Chavez	Pepper
Bankhead	Glass	Radcliffe
Bilbo	Gossett	Tunnell
Brooks	Hoey	Willis
Butler	McKellar	
Carville	Maybank	

So the modified amendment of Mr. BALL and other Senators was agreed to.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MILITARY ASSISTANCE TO THE REPUBLIC OF THE PHILIPPINES

The Acting President pro tempore laid before the Senate a letter from the Secretary of State, transmitting a draft of proposed legislation to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require, which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Sgt. Charles M. Swart, of Philadelphia, Pa., and Sgt. John W. Krause, of La Harpe, Ill., praying for the enactment of legislation extending the Selective Training and Service Act; ordered to lie on the table.

A letter from Colston E. Warne, professor of economics, Amherst College, New London, Conn., transmitting a petition signed by him and sundry other educators, economists, and political scientists of the United States, relating to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes (with the accompanying petition); ordered to lie on the table.

INTERIM REPORT ON INVESTIGATION OF GOVERNMENT WARTIME PRICE CONTROLS AFFECTING MILK AND MILK PRODUCTS (REPT. NO. 1391)

Mr. THOMAS of Oklahoma. Mr. President, from the Committee on Agriculture and Forestry, I ask unanimous consent to submit, pursuant to Senate Resolution 92, Seventy-ninth Congress, first session, providing for an investigation of Government wartime price controls and subsidies affecting milk and milk products, an interim report thereon, I request that the report be printed in the RECORD.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

The Committee on Agriculture, to whom was referred the resolution (S. Res. 92) providing for the investigation of matters relating to food production and consumption, makes the following interim report on the production, distribution, and consumption of dairy products.

The committee had before it numerous dairy farmers including both cooperative members and producer-distributors, executives of important dairy cooperatives, State commissioners of agriculture, and others. The witnesses came from most of the major dairy sections of the country.

In addition, the committee gave full consideration to the report of the Special Committee To Investigate Food Shortages for the House of Representatives which, under title of "The Dairy Situation," was released March 10, 1946. The findings and recommendations therein were based upon testimony from all parts of the industry, the Department of Agriculture, the Office of Price Administration, and the Office of Economic Stabilization. Upon the evidence introduced, this committee makes the following findings and recommendations relative to price and subsidy policies applicable to the dairy industry.

TOTAL PRODUCTION

That dairy production is falling appears incontestable; but the production figures showing such a decline are more optimistic than the situation warrants. For example, April total milk production ran about 2 percent under April 1945, but as of January 1946 cow numbers were 3 percent under a year ago and the rate of slaughter has increased since that time. The fact appears to be that the dairy farmers are culling their herds of the lower-producing cows and that the loss of this production is concealed by the resulting higher rate of production per cow. The marketing of heifer calves for veal today, moreover, does not appear in present production figures, but inevitably will mean less milk tomorrow. These marketings are running 10 to 15 percent ahead of last year. The total production figures give a wholly inadequate picture of regional declines in production in areas of greatest demand and take no cognizance of the fact that demand for dairy products at present prices is far in excess of current production.

The basic reason for the present serious and threatened catastrophic decline in milk production is inadequate return to the dairy farmer. This inadequacy may be absolute in some aspects, or merely relative to other more remunerative opportunities in others. The evidence was unanimous that costs of producing milk have risen much more than returns to farmers. For example, in the southern California area the return including subsidies is about $1.25 per pound of butterfat against a cost of production of $1.36. In South Carolina increases in cost of production per hundredweight of milk run to about $1.03 since early 1944. Against this the only relief has been an increase of 20 cents per hundredweight by way of subsidy. Florida dairymen as of March 1, 1946, had a return of about 46.5 cents per gallon against production costs of about 53 cents per gallon. In Washington, D. C., the dairymen in the milkshed have received an increase of about 62 percent since January 1941 to meet a cost-of-production rise of about 105 percent. In Connecticut returns are up $1.45 and costs $2.11 per hundredweight since 1941. These situations appear typical of dairying throughout the country. In many cases dairy operations are maintainable only at a loss.

The major cost increases lie in labor and feed costs. Particularly in milk-producing areas near large high-wage urban areas the rise of industrial wages has forced the farmer to make unprecedentedly high wage payments to keep his labor on the farm. In parts of California dairy hands earn from $200 to $350 per month with house, lights, and milk free. In Tennessee where the producer's return is slightly less than immediately following the First World War, farm labor costs run from 26 to 51 percent higher than in 1919. At least under present conditions the dairy farmer often finds that more labor than before the war is necessary to perform a given task, principally because the men are less willing to do hard physical work or work so long. The testimony consistently pointed to the inability of dairy farmers under present prices, including subsidies, to afford a return to farm labor equivalent to urban labor opportunities. Inability to afford this return is a substantial factor in reducing the supply of farm labor and consequently reducing production.

Feed costs, a second major item in dairy production, have outstripped what rises have occurred in the dairy farmer's income since 1941. In general, prices of the various feed ingredients have increased since March 1941 by from 73 to 130 percent. This does not take account of black market in feeds. There was convincing testimony that in the Southwest dairy feeds are entirely unavailable except in the black markets. As one witness put it, speaking of the corn bonus, even the Government has to pay black-market prices for grain. In Colorado, feed prices are regularly above ceiling, even advertised at figures higher than ceiling maximums. In the Midwest and California farmers were unable to obtain feed except at black-market prices. In sum, all the estimates were that feed costs at ceiling were so high as to discourage production and that in fact the ceilings were more illusory than real.

Inadequacy of return relative to alternative opportunities is about as effective in reducing dairy production in source areas as the absolute insufficiency of return to meet costs. Thus where tobacco is more profitable than milk, its competition tends to drive the milk producer either into the more profitable line or out of business entirely. Again a Texas milk producer will reduce his herd and turn to peanuts which will bring a higher return. The small dairymen milking fewer than 10 cows in a diversified farming section find the income from the cows too small to pay for the time and labor in their care; they simply drop the cattle to put their time in better-paying farm crops.

In light of the inadequate returns to dairy farmers to meet costs and the more profitable alternatives in other fields of agriculture, the high prices current for beef are a powerful incentive to cutting dairy herds. Beef prices are attractive enough to draw many desirable dairy animals, especially heifers, into beef channels on the one hand and to force the price of grade cattle so high as to make it difficult for dairy farmers to buy replacements on the other. Thousands of dairy cattle go to the slaughterhouse every week. The number is increasing. These cows are not culls in the ordinary sense. Rather, they are cows which under normal conditions would be profitable if not top milkers, but which under the stress of the present conditions are being turned into beef in large numbers. Since dairying in many areas does not return funds adequate to keep the dairying operations going, animals are often sacrificed merely to provide operating cash.

OPA AND PRICE POLICIES

Because the basic difficulties among dairymen are traceable largely to questions of price, the ultimate responsibility for prevailing conditions lies with the Office of Price Administration and the Office of Economic Stabilization. These agencies have put price control ahead of production. Repeatedly the committee's attention was directed to instances where local price relief which would have increased production was denied on the simple ground of "hold the line." This occurred even in Federal order markets where the stabilization agencies forced the indefinite postponement of action on producer prices under the Marketing Agreement Act.

OPA has taken the position that local production cost increases have nothing to do with local price increases. The inevitable

effect of such a policy pursued in market after market has been to aggravate the national shortage of milk for all purposes. The policy has been effective despite the readiness of the OPA to raise the ceilings on the grains going into feeds, on the prices of farm machinery, and on other milk production costs, e. g., transportation rates on milk. The stabilization agencies have maintained this policy in the face of permitted increases of almost 20 percent in national wage rates in order to maintain take-home pay. As one witness put it, "Farmers would be glad to receive the same price for 80 pounds of milk as they did for 100 pounds."

The OPA policy that production is not important has created distressing anomalies in many dairy areas. The testimony showed that in the South anywhere from 25 to 55 percent of the milk in the larger markets was being imported from other regions. The handler pays for the imported milk from 75 cents to $1.75 per hundredweight more than he pays to local producers. This milk is commonly of a quality suitable for manufacturing but which does not meet fluid milk health standards. Often it is reconstituted milk made by recombination of water, condensed skim milk, and cream. It is obviously unreasonable to expect local producers of grade A milk or its equivalent to produce for less than the cost of imported inferior milk. In these circumstances the health department of Houston, for example, has had to recommend no return to a grade A standard because the production of grade A milk even in the flush season is falling at the rate of 1,000 gallons a day. The effect of the policy therefore is to compel the producer of the superior product to accept less than the cost of the inferior product—a policy hardly reconcilable with common sense.

The evidence showed that prior to the imposition of price control there were steady and substantial increases in milk production, particularly in the South. With the advent of price control, the rate of increase dropped sharply or became a decrease. Witnesses unanimously attributed these reversals of trend to the policy described. The committee concurs in this view.

It is to be observed that losses in production consequent on OPA policy are not replaceable in a moment; for it takes 2½ to 3 years merely to bring a cow from calfhood to production, and another year to determine whether she is a good enough producer to warrant her keep. Therefore, the crippling of milk-producing regions will be felt for some time to come.

Section 3 of the Stabilization Act of 1942, as amended, requires maximum prices on agricultural commodities to be not lower than certain prices adjusted for grade, location, and seasonal differentials. A proviso requires adjustment of such maximum prices where they do not reflect increased costs incurred since January 1, 1941. Since Congress was dealing with locational prices, it is obvious that it intended adjustments of such prices to be made on the basis of cost increases in the location. OPA, however, has ignored this and has used national average costs which have no relevance to local situations.

The testimony also disclosed that OPA ignores the direction of section 3 aforesaid to modify prices to reflect increases in "labor or other costs" and by administrative fiat includes only cash costs in the term "costs."

OPA's method of handling requests from farmers for price relief appear to be to deny relief upon repeated representations until the farmers threaten to divert their milk elsewhere. Indeed, the agency has even told producers that the only way it had to arrive at the fact that an adjustment should be made is diversion or the threat of diversion. It should not be necessary for an American citizen so to exercise his right of petition. The threat to divert has no relation to the merits of the producers' need for higher prices to meet increased costs. If, then, relief is granted, it should have been granted in the first instance. The result of OPA tactics of this sort can only be more diversions which the agency's obtuse refusal to face the facts of economics invites.

But the question is more than economic. As one witness said, "Our lives are tied up in" dairy farming. To quit and sell out because OPA will not allow the dairymen to break even is to abandon a way of life. Perhaps such considerations, in a democracy at least, are not without importance.

The butter problem is an example of the disruption of the internal price structure of the dairy industry consequent upon price regulation. The problem has two aspects. First, the imports of milk into deficit areas are largely coming out of areas where butter had been the chief dairy product. Similar diversions of milk normally used for butter into more profitable use classifications both in the production area and out were reported by all witnesses from butter-producing regions. Second, the witnesses agreed that in the regions where butter is normally made from farm-separated cream, the price is too low to support production. The scarcity of butter is too well known to need documenting; but the president of the largest butter cooperative on the west coast testified that the total butter handled by his organization in the first quarter of this year was less than one-tenth of the corresponding period last year; and of this less than half was locally produced. The president of a large middle western cooperative anticipated a make of about 50 percent of last year and pointed out that some of their member creameries who could handle only butter have already closed. The reason for the situation is simply that the price of butter is too low to meet the costs of producing cream for butter. The farmer must either turn his milk to other uses or quit producing.

SUBSIDIES

OPA has attempted to evade all these price problems by subsidizing the consumer with Government grants to producers. Measured by any standard this is no solution to the dairy problem. It is not maintaining production; for all the evidence was that production is declining. The program has been carried out on a national basis whereas the evidence has shown that market area costs are crucial problems to be dealt with. In the case of small producers—particularly the producers of farm-separated cream—the subsidy payment is so delayed that the farmer often has not the cash resources to feed his cattle in the meantime. It is subject to the changing will of Congress. No dairyman can make the long-range plans essential to his business when a fifth to a third of his income depends upon political and administrative decisions which he cannot anticipate. This factor contributes to declining production.

It is unquestionable that dairy farmers dislike subsidies. It is humiliating because the dairymen against his will is in the position of begging for a Government hand-out. It exposes him to ridicule of his neighbors as a "charity" case and goes deep against the grain of self-respect. The subsidy is inflationary in that it adds to the public debt and increases the already excessive spendable consumer income. The consumer is the real beneficiary of subsidies at a time when, if ever, he can afford to pay what it costs to produce the dairy products he uses. The witnesses agreed that if low-income groups need subsidy, let the subsidy be paid to such groups. The committee agrees.

REMOVAL OF CEILINGS

Witnesses unanimously recommended removal of price controls and subsidies on dairy products. The evidence showed that in such event minor price rises of from 2 to 4 cents per quart would occur. These raises would run from 14 to 18 percent of the retail price compared with current wage raises running to 18½ percent. Butter would rise to 70 or 80 cents as compared with the $1 to $1.50 per pound which the housewife now pays when, as is very frequent, she churns it herself, or buys it in the black market.

FINDINGS

1. Dairy production is declining nationally and the declines are greatest in the areas of greatest shortage.

2. Since dairy production is a long-time planning operation and cannot be expounded rapidly, the current trend must be reversed immediately if a prolonged disaster is to be avoided.

3. The responsibility for this condition resides in the price and subsidy policies of the stabilization agencies.

4. The refusal of such agencies to deal adequately with local problems is reflected in declines in deficit areas, the threat of permanent injury to production in such areas, and the uneconomic burdening of transportation facilities to import milk not meeting peacetime local health standards.

5. The maladministration of dairy pricing has had a bad effect in all segments of the industry, but due to dairy industry price structures the effect has been notably concentrated on butter. In substance OPA has determined that the American consumer shall not have butter.

6. The subsidy program has not served to replace necessary price adjustments to stimulate production.

RECOMMENDATIONS

This committee recommends that all subsidies and price controls on milk and dairy products be removed at once.

ELMER THOMAS,
Chairman.
HARLAN J. BUSHFIELD,
TOM STEWART,
B. K. WHEELER.

I concur in the above findings of the committee.

I also concur in the recommendations provided that the Secretary of Agriculture finds that the net income of dairymen will not be reduced thereby nor a substantial segment of our population be deprived of the use of milk and other dairy products.

GEORGE D. AIKEN.

MEDIATION OF LABOR DISPUTES—AMENDMENTS

Mr. McCLELLAN, Mr. MURRAY, and Mr. MAGNUSON each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, which were severally ordered to lie on the table and to be printed.

Mr. PEPPER (for himself, Mr. MURRAY, Mr. WAGNER, Mr. WALSH, Mr. GREEN, Mr. MEAD, Mr. GUFFEY, Mr. KILGORE, Mr. MYERS, and Mr. TAYLOR) submitted an amendment intended to be proposed by them, jointly, to House bill 4908, supra, which was ordered to lie on the table and to be printed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2253. A bill to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the

teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; to the Committee on Naval Affairs.

By Mr. TYDINGS:

S. 2254. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require; to the Committee on Territories and Insular Affairs.

(Mr. BARKLEY introduced Senate bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was referred to the Committee on Interstate Commerce, and appears under a separate heading.)

By Mr. ANDREWS:

S. J. Res. 163. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the denial or infringement of the inherent right of a citizen to work and bargain freely with his employer; to the Committee on the Judiciary.

WHAT KIND OF EDUCATION SHALL WE BUY?—ARTICLE BY GLENN D. EVERETT

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "What Kind of Education Shall We Buy?" by Glenn D. Everett, published in the Utah Educational Review of March 1946, which appears in the Appendix.]

WHITHER THE STRIKE?—EDITORIAL FROM THE DENVER POST

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial entitled "Whither the Strike?" published in the Denver (Colo.) Post of May 24, 1946, which appears in the Appendix.]

EDUCATIONAL FACILITIES FOR VETERANS—AMENDMENT

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (S. 2085) to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended, which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. TAFT. Mr. President, on behalf of myself, the Senator from Minnesota [Mr. BALL], the Senator from New Jersey [Mr. SMITH], the Senator from Louisiana [Mr. ELLENDER], the Senator from New Mexico [Mr. HATCH], and the Senator from Virginia [Mr. BYRD], I offer an amendment.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 26, after line 18, it is proposed to insert the following new section:

SEC. —. (a) When a labor dispute affecting commerce, involving a public utility whose rates are fixed by some governmental agency, is not settled or adjusted under the provisions of this act, the Board shall determine whether the dispute threatens such a substantial interruption of an essential monopolized service as to make it necessary in the public interest to request the President to create an emergency commission. Whenever the Board makes such a determination and request, the President is hereby authorized to create and appoint an emergency commission to investigate and report respecting such disputes. Such commission shall be composed of such number of persons as may seem desirable to the President. No commissioner appointed shall be pecuniarily or otherwise privately or prejudicially interested in the employers or employees concerned in the dispute. The compensation of the commissioners shall be fixed by the President at an amount not exceeding $100 per day. Such an emergency commission shall be created separately for each dispute or for a group of disputes in the same industry presenting similar issues and pending at the same time. The commission shall investigate promptly the facts as to the disputes and make a report thereon to the President with its recommendations as to the manner in which such disputes should be adjusted. The commission's recommendations shall be confined to wages, hours, and working conditions but it may describe in its report other issues not involving wages, hours, and working conditions which may be in dispute. The commission's report shall be made within 30 days from the date of its appointment, except that, with the approval of the parties to a dispute, the time for making a report may be extended by the President for an additional 30 days. The report of the commission shall be made public promptly by the President.

(b) The Board shall provide for any commission appointed under this section such stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the commission to perform its functions. Upon the conclusion of its work, the commission shall be dissolved and its records delivered to the custody of the Board.

(c) Whenever the President appoints an emergency commission under this section to investigate a dispute, the duties of employers and employees and their representatives involved in such dispute, as set forth in section 3 (b) of this act, shall continue until 5 days after such commission has submitted its report to the President, and the provisions of subsections (c), (d), and (e) of section 3 of this act shall apply for such additional period of time.

The ACTING PRESIDENT pro tempore. The question is agreeing to the amendment offered by the Senator from Ohio for himself and other Senators.

Mr. TAFT. Mr. President, I first ask unanimous consent that there be inserted in the RECORD at this point an article appearing in this morning's Washington Times-Herald entitled "White House Puts Politics Above Welfare."

Mr. BARKLEY. Reserving the right to object—and I am not going to object—if the article is no more correct than that part of it which states that I had any knowledge or that any information had come to me in regard to such a program, it is not worth much.

Mr. TAFT. Mr. President, I do not warrant necessarily the accuracy of the proposals for a legislative program in the strike situation, but the article bears all the internal marks of having been prepared by the President's advisers, and I am assured that it is stamped with the stamp of the Office of War Mobilization, presided over by Mr. Snyder, and that it was prepared there. I am not offering it as proof, I am offering it only because I wish to comment on various features of it. I think it will prove of great interest to Senators who care to read it in the RECORD.

Mr. BREWSTER. Mr. President, I am sure the majority leader does not take exception to the complimentary reference to his good judgment.

Mr. BARKLEY. If it is the article I have in mind, it states that this proposal had been circulated around to various people, including me. I merely wish to say that no such program has been circulated around to me. [Laughter.]

Mr. TAFT. That part of the article I know nothing about. I only want the opening, and the proposals for a legislative program.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The political crisis is put before the economic crisis in the administration's plan for handling the strike paralysis, it was disclosed last night in a confidential White House document outlining the plan for a National Industrial Peace Board.

This paper, on the basis of which Mr. Truman went on the air last night for his fireside chat and plans to address Congress today, was drawn up May 22. It tells not only what the President should do, but why.

PROPOSALS FOR A LEGISLATIVE PROGRAM IN STRIKE SITUATION

I. BACKGROUND

These proposals are based upon the following considerations:

1. The current strike situation is grave on both economic and political grounds. Momentarily the political crisis is most urgent.

2. This crisis will not end with a solution to the coal and rail strikes. The longshoremen and maritime workers' strike in June may be less economically disastrous than either of the present disputes, but will be political dynamite because of interference with the food and relief programs.

3. Congressional adoption of antilabor legislation is virtually certain. The legislation will approximate the House version of the Case bill.

4. Under present circumstances, adoption of the Case bill will put the President on the spot. He cannt afford to veto it in the absence of a more concrete program of his own. Yet legislation will do more harm than good and his approval of it will cost a large part of the labor vote.

CASE BILL TOO SWEEPING

(a) The Case bill is both too sweeping and too restrictive to be desirable. It would turn back the clock so far as all union bargaining is concerned and revive the hated injunction process in labor disputes. At the same time, it contains nothing which would help in dealing with a major strike like coal. Both statesmanship and politics require that it be headed off, if possible.

(b) The bill has become a symbol of infamy to the labor movement. Its approval might be politically disastrous to the administration.

5. The congressional situation accurately reflects the present temper of the country. Positive administration action is therefore required for political reasons, if for no other.

6. There are no simple solutions to the substantive problems involved and the climate of opinion is not favorable to an objective review of national labor policy at this time. Such a review will have to be made in the future. Meantime, some useful steps can be taken which, combined, would meet the political problem.

II. SUGGESTED PROGRAM

The following elements could comprise an immediate administration labor program:

1. Create within the Department of Labor a national industrial peace board. This should have semi-independent status, like the Wage Stabilization Board, and its members should be appointed by the President. The board should serve as a national mediation board and should administer, through the chairman, a strengthened conciliation and mediation service. It should also contain a well-staffed fact-finding unit, which would anticipate important disputes and assemble all relevant facts pertaining to them.

(a) Substantive argument for this: Strengthening of our conciliation and mediation machinery is the most fruitful approach to industrial peace. The lack of a national mediation board is particularly serious and has turned the Secretary of Labor and even the President into a mediator.

REQUIRE UNIONS TO REGISTER

(b) Political argument: Creation of such an agency would dramatize administration action in the crisis and would meet some of the criticism of a weak Department of Labor.

2. Require all unions to register and file their constitutions with the National Labor Relations Board and require certification by the Board before a union can claim the privileges and protections of the Wagner Act. Such certification should be based on clear standards related to internal union organization and procedure: free elections, ordinary civil rights, nondiscrimination because of race, creed, or color. The following are indicative of such standards:

Labor organizations must have their constitutions adopted by the membership by secret ballot; must hold regularly stated meetings and conventions; must elect their officers at fixed dates by secret ballot supervised by election boards supervised by the membership; must distribute detailed and properly certified financial statements to the membership.

REASONABLE RULES

Unions must agree to admit new members without discrimination on the same basis as was established by the existing fellowship; there must be no discrimination based on race, color, or religion.

Unions must have adopted clear and reasonable rules with regard to "good standing" and the conditions for resignation from the union and have impartial machinery to protect employees against unreasonable demand or suspension of union membership when loss of membership involves loss of employment, and from the imposition of unreasonable fines or penalties.

(a) Substantive argument: Such requirements would be good for the labor movement and would establish norms by which to judge these free associations. They would help to break up undemocratic practices and concentrations of power in the hands of individual labor dictators. To the extent that mass unions become truly democratic, they will behave much like the rest of the population and will be confronted with fewer situations like the coal strike.

AIMED AT JOHN L. LEWIS

(b) Political argument: No one can legitimately object to this if standards are reasonable and many liberal groups will welcome it. Moreover, it can be aimed directly at John L. Lewis and thus appear to be specific for the country's present sickness. It is a step to meet the increasing public criticism of the personal power of labor leaders without harming the union movement.

3. Request the Congress to enact a permanent seizure law of limited scope. Such an act should be applicable only to dispute situations threatening the national economy or the health and safety and should become applicable only after a Presidential proclamation to this effect. It should clearly authorize the Government to put into operation, during the period of seizure, changed conditions of an employment and should include criminal penalties similar to those in the Smith-Connally Act.

LIMITED ARBITRATION

(a) Substantive argument: Free and unlimited collective bargaining is in the public interest in most instances and the overwhelming majority of strikes do not seriously affect the national economy. In a limited number of instances like coal, however, we cannot, in fact, permit collective bargaining to run its full course. The only realistic alternative is a limited form of compulsory arbitration. This is achieved when the Government takes over the facility and puts into effect new conditions of work.

Seizure on a status quo basis is virtually useless in peacetime. At best, it is only a delaying tactic and it invariably raises the question of whether the workers will actually return to work. That problem can be handled by authority to make wage and other adjustments during the period of nationalization.

(b) Political argument: The public now generally recognizes seizure as the ultimate step in disputes affecting the national economy. Request for this power on a permanent basis will symbolize the determination of the administration that our basic economy and services be protected from disruption by any private power. Its application would not affect most industries or unions and it should be emphasized as an extreme power used only in extreme cases.

APPOINT COMMISSION

4. Appoint an expert commission to undertake a comprehensive review of national labor policy and agencies and to report to the President.

(a) Substantive argument: Such a review is urgently required if we are to avoid a hodgepodge of conflicting measures and policies and to develop an adequate national labor policy. No official body has yet undertaken such a comprehensive review and analysis. Major changes in labor policy should await such a study.

(b) Political argument: The chief political advantage of such action—aside from indicating a determination to get at root causes of our present difficulties—would be to provide a sound basis for a "cooling off" period for Congress and the country. We should not tinker with our fundamental labor policies in our present national mood.

III. SUGGESTED TACTICS

The tactical question involved relates to two areas: (1) The Congress; and (2) the general public. Decisions in both areas will necessarily be governed in large part by the legislative situation at the given moment.

To the extent possible at this late date, the administration should attempt to recover the offensive. This is admittedly difficult so far as Congress is concerned. It is less so from the standpoint of the country as a whole.

The objectives of any tactics adopted are: (1) To convince Congress and the Nation that the administration is really on top of the situation and not merely muddling through; (2) to forestall or provide a basis for vetoing any ill-advised legislation which might make the situation worse.

CONGRESSIONAL TACTICS

1. Congressional tactics: These are the most difficult to devise in the present situation. Opportunity may be presented by a congressional deadlock (a filibuster in the Senate) for the President to outline the above program in a special message. It would probably be more desirable, however, to use informal methods, in terms of amendments offered in the Senate to the Case bill, or of compromise proposals presented to the conference. There is danger that a public recommendation of an administration labor program which should be the maximum program at this time would merely add fuel to the antilabor flames and be used by Congress as a starting point, rather than a finishing one. However, someone with judgment, like Senator BARKLEY, might be prepared to present the program at the appropriate time.

2. Relations with the public: Whatever approach is made to the legislative problem, the President should certainly make a fireside report to the Nation on the labor situation. The content of such a report would vary somewhat in terms of the situation existing at the time in the coal and rail disputes and in Congress.

Mr. BARKLEY subsequently said: Mr. President, earlier today the Senator from Ohio [Mr. TAFT] put into the CONGRESSIONAL RECORD an article which appeared in the Washington Times-Herald of today, May 25, 1946, under the following heading:

Handbook for Democrats: White House paper reveals President's labor philosophy. Proposal to create mediation board tells how to smash John L. Lewis.

And so forth. In the article reference is made to Mr. John W. Snyder. The whole article was inserted in the RECORD.

I am authorized by Mr. Snyder to say to the Senate, and, if the country is interested, to the country, that so far as he is concerned, or so far as anything in this article relating to him is concerned, it is absolutely unfounded and untrue, that he never heard of any such proposal or proposition as that just described in the article, and that he never heard of it until he saw it in the paper himself today.

I ask unanimous consent that the statement I am making on the authority of Mr. Snyder be included in the RECORD, following the article itself and the statement the Senator from Ohio made, and the statement I made, insofar as the article referred to me.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

Mr. TAFT. Mr. President, I wish to review briefly the present labor situation and state why I believe the Senate should promptly adopt the program proposed by the minority of the committee, add to it any reasonable emergency legislation recommended by the President this afternoon, and promptly pass the Case bill.

First, I wish to deal with the reasons for the present situation.

The wave of strikes which has inundated the country during the past 6 months, and is now threatening its very existence, is directly due to the policies of the Roosevelt and Truman administrations. In times past the employers had an unreasonable advantage in labor negotiations. They were able to check the development of labor unions, and they abused that power. Long ago Congress began to deal with the situation. Labor unions were exempted from the provisions of the Sherman Act. Injunctions were practically prohibited by the Norris-LaGuardia Act, and the prevention of violence was left entirely to local

authorities, often completely unable to maintain the peace. The Wagner Act was passed, compelling the employer to leave unions alone and bargain with them collectively. All these laws were reasonable, but since they were designed to correct a special situation, they were naturally one-sided.

Through the arbitrary and unjust decisions of the National Labor Relations Board, however, and court interpretations of these various statutes, policies were established far more prolabor than was intended in the statutes. The unfair administration of the Wagner Act practically tied the hands and closed the mouth of every employer. The Supreme Court held that any action of labor unions, no matter how outrageous, racketeering, and secondary boycotts, were within the legitimate objects of labor unions, protected by the statutes to which I have referred.

This was supplemented by a consistent prolabor policy on the part of the administration, which decided substantially every question of policy in accordance with the demands of the labor leaders. Furthermore, every effort on the part of Congress to correct the most minor defects and injustices was suppressed by the administration, largely through their control of the labor committees in Congress.

The total result has been to swing the balance of economic power in collective bargaining far over on the side of the labor unions. Many of them have acted with restraint and judgment, but just as the undue power of employers led to unreasonable demands and strikes in the old days, so the unreasonable demands of labor have led to strikes today. After the speech of the President last night, no one can question the fact that Mr. Whitney and Mr. Johnston have adopted a wholly unreasonable attitude, refused to abide by a fair and impartial decision, and tied up the country to enforce their unreasonable demands. I only repeat what the President himself said last night.

The basic solution of the problem, therefore, is to redress somewhat the excessive power given to the labor unions in collective bargaining, so that unreasonable men may not be tempted to abuse that excessive power. Since the power is built up by dozens of laws and decisions, there is no panacea. There are many amendments suggested, but there is no way to deal with the situation by one amendment. We certainly do not want to sweep away these laws and go too far the other way. We can only undertake to redress those provisions which are clearly unjust. That is the reason for the number of amendments we have to consider. We should not adopt any unless we are convinced that they are just to both parties.

The administration's policy since VJ-day is even more responsible for the present wave of strikes. Just after VJ-day the President announced that the National War Labor Board was abolished and that the war methods should be replaced by collective bargaining. Many unions immediately undertook that bargaining in the usual way. In particular, the A. F. of L. unions bargained in each industry or plant and obtained increases which they felt the industry could stand, which could usually be obtained without strikes and which would not increase prices. Then the CIO unions demanded a 30-percent increase. The President then stepped in, reversed his former position that it should be left to collective bargaining, recommended a figure of 18½ cents an hour, led the people to believe that this could be granted without a price increase, and insisted that the employers settle on this basis. He thus discredited every reasonable labor leader who had settled for less on the President's own invitation. In Chicago pamphlets were being circulated stating, "Join the A. F. of L. and get a lousy nickel. Join the CIO and get 18½ cents." As a matter of fact, the A. F. of L. settlements ran from 5 to 20 percent.

The President made it certain that no labor leader in the future could accept less and retain his standing with his men. The demands of Mr. Lewis and the railroad brotherhoods have grown directly out of this policy. The administration itself has brought down this catastrophe on the country and on itself. We are not through, as the memorandum which I have put in the RECORD says:

> This crisis will not end with a solution to the coal and rail strikes. The longshoremen and maritime workers' strike in June may be less economically disastrous than either of the present disputes, but will be political dynamite because of interference with the food and relief programs.

Apparently the President's advisers are fearful of the political results of his policy. They go on to say:

> Under present circumstances, adoption of the Case bill will put the President on the spot. He cannot afford to veto it in the absence of a more concrete program of his own. Yet, legislation will do more harm than good, and his approval of it will cost a large part of the labor vote.

It is fairly evident that the whole policy has been directed primarily with an eye to the labor vote. If the President is on the spot, it is due to the labor policies of his own administration.

REMEDIES

The remedies for the present situation fall into two classes—those relating to the permanent situation, and those which might be of assistance in the present emergency. There has been a lot of nonsense talked about waiting until the emergency is less acute before dealing with the permanent situation. Let me remind Senators that the present emergency situation grows out of a permanent situation, and cannot be effectively guarded against without permanent legislation. Let me remind Senators that studies have been made of this subject for years. The House has passed numerous bills all of which until the present have been suppressed in the Senate Committee on Education and Labor. The Senator from Minnesota and myself submitted a complete mediation plan in December 1941. Extensive hearings were held on amendments to the Wagner Act in 1940. Extensive hearings were held on the present bill.

The hearings, copies of which are on Senators' desks, were held in December, January, and February, some 3 months ago. They are available to all Members of the Senate. The mere fact that the majority of the committee refused to study the three proposals now before us is no evidence that they did not have adequate study.

Incidentally, what we are doing here is, in effect, to ask the Senate to adopt the minority report in place of the majority report. The minority report has been on the desk of Senators for a considerable time, and contains the amendments which have been studied and which we are now presenting.

All this talk about punitive labor legislation is designed purely to discredit those who vote in favor of our amendments. So far as I know, there are almost no punitive provisions contained in the amendments. Certainly there is nothing in them as punitive as was contained in the anti-Petrillo bill. There is no vengeance in any of the amendments we are proposing. They are reasonable amendments. They stand on their own feet.

Some of the amendments attempt to regularize the whole process of collective bargaining and make it a two-way street, that is, the amendment we just adopted, the one now before us, and the next one making unions liable on their own collective-bargaining contracts.

As a matter of fact, some legislation of this kind must underlie any emergency legislation, compulsory arbitration, or punitive measures if they are desired. Obviously, we cannot punish anyone for striking unless a legal procedure is set up for bargaining, for mediation, for voluntary arbitration, for fact finding, and decision. Someone must decide what the justice of the situation is, and there is no machinery for that purpose except that in the railroad mediation law.

The amendment now pending proposes to extend that fact finding to all public utilities where rates are fixed by Government. Those who wish to prohibit strikes under certain circumstances must certainly provide for an investigation and must provide for the prevention of strikes during such investigation. Furthermore, if collective bargaining is to be our principal reliance in the prohibition of future strikes, it must work both ways. The union must be obligated to bargain collectively, just as the employer is now required by the Wagner Act to bargain collectively. The union must be responsible on its contract as the employer is responsible on his. That is the effect of amendment No. 3, the next one to follow after the one we are now considering. Surely, no one can question the justice of these amendments or the necessity for them as part of any labor program, permanent or emergency.

The other amendments attempt to redress some of the injustices created rather by administration and decision than by law. The fourth amendment prohibits secondary boycotts. That is, it prohibits a union from using its power to injure some third party with whom they have no direct dispute, but whose policies or whose employees they do not like. This does no more than restore the law as it was after the passage of the Clayton Act for many years before the decisions of the present Supreme

Court. The practice of secondary boycotts is growing by leaps and bounds. It presents an outrageous abuse of economic power against innocent parties.

The fifth amendment proposes that foremen shall be considered as management and not as employees, so that they shall take their orders from the employer rather than from union leaders. This was the law until recent 2-to-1 decisions of the National Labor Relations Board legalized union activity on the part of foremen against their employer's interest. This amendment does no more than restore what everyone thought was the law.

Amendment No. 6 restores the courts to some power in labor disputes. It does not repeal the basic provisions of the Norris-LaGuardia Act, but it does repeal one or two provisions which, contrary to the intent of Congress as shown in the debates on that act, practically prevent any interference whatever against the most serious violence and destruction of property.

Another amendment to be offered proposes to remove the protection given to unions by the Supreme Court decision which held that racketeering was within the legitimate purposes of labor unions.

No one of these measures by itself will cure strikes. Taken together, they will provide the machinery for collective bargaining and remove a few excessive powers given to the unions without the intention of Congress.

There is no reason why these various laws we have passed should be sacred. No one has ever denounced the Wagner Act with more vigor than Mr. William Green, head of the American Federation of Labor, in demanding amendments in 1940. I quote from William Green:

> Your committee is of the opinion that the manner and method of administering the act by the National Labor Relations Board has brought administrative justice into disrepute.
>
> It is imperative therefore that the act be revised lest our actions be rendered impotent by the unjust decrees of the Board.

Furthermore Mr. Green answered the question which may be asked. He said:

> The question may be asked, If our principal objection is against the administration of the act and not the act itself then why amend the act? Why not merely remove the present board and substitute a new one? The answer is obvious. First, the interpretations placed on the existing act which have become precedents may be followed and adopted by a new board. It is possible, though not likely, that a new board may not observe the mandate implicit in a change of personnel and may continue to administer the act in the same objectionable manner as has the present board. You know how we are tied to precedents.
>
> Second, no board is permanent. Some future board could pervert the present act even more than has the present board.

I read that only to show that the theory that everything concerned with the Wagner Act is sacred is certainly not the idea of labor, and there is no reason why it should be the idea of the Senate.

THE EMERGENCY SITUATION

Today we face serious strikes which are threatening the economic life of the country. We are, therefore, faced with the demand that we prohibit strikes by law, presumably substituting for that method of decision, compulsory arbitration by the Government. As a general proposition, I am opposed to such prohibition and also to compulsory arbitration. If such arbitration lay back of every collective-bargaining negotiation, it would tend to prevent agreement, because one party or the other would think he could do better in arbitration. Inevitably it would lead to a complete fixing of wages by the Government. Wage fixing would involve price fixing, and we would have a complete planned and Government-operated economy. It would destroy freedom.

Furthermore, I think we must admit that in a Republic we cannot make men work if they refuse to work. Joe Stalin can prevent strikes, and so could Mr. Hitler, but a republic cannot do so. We must rely on the fact that men are open to persuasion, and that usually their own interests are adversely affected by strikes. It would be futile today to pass a law requiring 200,000 railroad workers to return to work under the penalty of a jail sentence. We cannot put 200,000 men in jail, and we should not do so. As a permanent measure I see no advantage in the Government seizing railroads or mines. I do not see why it is not as easy to take whatever action we desire to take with reference to essential industries, whether the Government has possession of the property or not. Seizure, in any event, has been largely a form.

While I am opposed to making strikes unlawful by permanent law, in the case of public utilities and possibly of coal, where a great national emergency is created by a national strike, I believe we are justified in adopting some form of emergency legislation. I believe it should be limited to the emergency. I believe it should not be extended beyond imposing a criminal penalty on those responsible for organizing the conspiracy against the public which such a strike amounts to. But may I point out that such a penalty can be fairly imposed only if there is permanent machinery for fact finding as in the railroad mediation law. It seems to me essential, therefore, that we pass the Case bill, with our amendment No. 2, which provides for fact finding in the case of public utilities.

I may say to Senators on the other side that that is about the only feature of the original Truman recommendation which will be continued in the bill if the bill is passed. The committee eliminated the fact finding. We propose to restore it in the case of public utilities, where we already have the fixing of prices, and therefore the fixing of wages would not seriously further impede the freedom of the industry. The penalty can be imposed only if a fair hearing has been had and the leaders call a strike because of their unwillingness to abide by the decision. It happens that we already have emergency legislation in the Smith-Connally Act to deal with the coal problem. The only additional emergency legislation which seems to be called for today, for the strikes now in existence—and even that is not called for if the railroad strike is settled—is some provisions imposing penalties against those who have conspired against the public welfare by refusing to accept the decision of the President's Emergency Railroad Board.

In conclusion, it seems clear to me that we do not even deal satisfactorily with the emergency situation and emergency situations which are rapidly approaching, unless we pass this bill with substantially all the minority amendments.

I cannot conceive of any reasonable objection to the pending amendment, which simply provides for a fact-finding board after the mediation procedure, limited to the case of public utilities.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] on behalf of himself and other Senators.

Mr. MURRAY and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MURRAY. I announce the absence of the Senator from Florida [Mr. PEPPER] and the Senator from New York [Mr. MEAD], who are detained on important public business. If present, these Senators would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from Illinois [Mr. LUCAS] is detained on official business at one of the Government departments.

I also wish to announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. HOEY], the Senator from Illinois [Mr. LUCAS], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present, he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 59, nays 19, as follows.

YEAS—59

Aiken	Eastland	Johnston, S. C.
Andrews	Ellender	Knowland
Austin	Ferguson	Langer
Ball	Fulbright	McClellan
Brewster	George	McMahon
Bridges	Gerry	Millikin
Brooks	Gurney	Moore
Buck	Hart	O'Daniel
Bushfield	Hatch	O'Mahoney
Byrd	Hawkes	Overton
Capehart	Hayden	Reed
Capper	Hickenlooper	Revercomb
Connally	Hill	Robertson
Cordon	Huffman	Russell
Donnell	Johnson, Colo.	Saltonstall

Shipstead	Tydings	White
Smith	Vandenberg	Wiley
Stewart	Walsh	Wilson
Taft	Wheeler	Young
Tobey	Wherry	

NAYS—19

Barkley	McCarran	Myers
Briggs	McFarland	Taylor
Downey	Magnuson	Thomas, Okla.
Green	Mitchell	Thomas, Utah
Guffey	Morse	Wagner
Kilgore	Murdock	
La Follette	Murray	

NOT VOTING—18

Bailey	Glass	Mead
Bankhead	Gossett	Pepper
Bilbo	Hoey	Radcliffe
Butler	Lucas	Stanfill
Carville	McKellar	Tunnell
Chavez	Maybank	Willis

So the amendment offered by Mr. TAFT and other Senators was agreed to.

Mr. ELLENDER. Mr. President, I offer an amendment on behalf of myself, the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], the Senator from Illinois [Mr. LUCAS], the Senator from Minnesota [Mr. BALL], the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. HAWKES], and the Senator from Michigan [Mr. FERGUSON], and I send it to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "or any individual employed as a supervisor."

(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"(12) The term 'supervisor' means any individual having authority, in the interest of the employer—

"(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action; or

"(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements."

(c) Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

Mr. ELLENDER. Mr. President, this amendment is an essential one. Its purpose is to clarify the position of the supervisory employee under the National Labor Relations Act by explicitly setting forth the intent of Congress to exclude persons vested with bona fide supervisory authority from its provisions.

I believe that the language of this amendment is more clearly adapted, however, to express the real intent of Congress, since it would exclude from the protection of the act only those supervisors traditionally regarded both by industry and labor as being a part of management until some very recent decisions of the National Labor Relations Board.

It is not the purpose of this amendment to exempt from the Labor Relations Act working foremen, leadmen, straw bosses, and other employees with negligible supervisory duties. The amendment would also leave undisturbed the custom in certain craft unions in the printing and building industries for covering foremen by collective agreement and the custom in the maritime industry of including licensed personnel in professional unions of their own.

The amendment also recognizes that in the railroad industry there has been a practice of including certain supervisors in bargaining units. This practice also will not be affected by the amendment, although it is not believed necessary to make any express reference to employees of railroads or air lines, since the National Labor Relations Act itself in section 2 (2) makes it clear that no persons subject to the Railway Labor Act fall within its provisions. In other words, since this amendment deals only with the Labor Relations Act, it can have no bearing upon employees of the carriers which are regulated by the Railway Labor Act.

Until 1942, the National Labor Relations Board had never considered that supervisory employees were covered by the Wagner Act, except in those industries where, pursuant to craft custom long antedating the passage of the act, supervisory employees were organized. By and large, these industries were not affected by the enactment of this statute, the principal developments in union organization since that time having occurred in the mass-production industries where it was union practice not to admit foremen to membership or to represent them in collective-bargaining negotiations. In 1942, however, the Board abruptly departed from this policy in the Union Collieries case—see *Matter of Union Collieries Company* (44 N. L. R. B. 165)—and entertained a petition for an election filed by a labor organization composed of supervisory employees in the bituminous coal mines. This was a 2-to-1 decision—Millis and Leiserson concurring, Reilly dissenting. This decision gave impetus to an organizing drive among foremen in mass-production industries which was halted in 1943 when the Board, in another 2-to-1 decision—Reilly and Houston concurring, Millis dissenting—overruled the Union Colleries case.

Two years later, however, the Board again reversed itself on a petition of the Foremen's Association of America and directed an election among the foremen in an automobile manufacturing plant—see *Matter of Packard Motor Car Company* (61 N. L. R. B. 4); Millis and Houston concurring, Reilly dissenting.

About a month ago this doctrine was pushed to extremes by a majority opinion holding that the same union which represents the rank and file of the mine workers of the United States also has the right to file a petition under the Wagner Act to represent supervisory employees in the mines—see *Matter of Jones & Laughlin Steel Corporation* (6-R-1191); Herzog and Houston concurring, Reilly dissenting. The result of this latest decision is that we are now confronted with the anomalous situation of having a Federal statute which was enacted primarily for the benefit of the workers being construed so as to permit unions which already represent the workers to become also the legal representatives of the very men whom management has hired to supervise the rank and file.

The text of the proposed amendment has been drawn with reference to the reasoning of the current Board majority. It has been their position that since section 2 (3) of the act defining the term "employee" excludes only agricultural laborers, domestic servants, and relatives of employers, that supervisors, by implication, are not exempted. Under the proposed amendment, however, section 2 (3) would be augmented by including supervisors among the enumerated exempt categories.

Since there is considerable variance in industry with respect to the duties of supervisory employees, and since it was not the intent of this amendment to exempt any employee who does not possess genuine and important supervisory duties, the text of the amendment defines the term "supervisor" in very much the same language which the Board itself has used in scores of decisions to draw a line between supervisory units and units of rank-and-file workers. In other words, the amendment is confined to supervisors who possess real authority with respect to the hiring, firing, and disciplining of subordinate employees, or those who can exercise independent judgment with respect to the factors upon which compensation is computed. Under this definition it would be impossible, by change of nomenclature, for management to secure exemptions for minor supervisors or timekeepers, since the language of the amendment would cover only persons entrusted by management with sufficient authority to affect the status of other personnel.

Mr. President, we have given a great deal of study to this definition. As I have just indicated, it is patterned after a decision which was used by the NLRB for more than 5 years, and I am very hopeful that the Senate will agree to the amendment.

Mr. REVERCOMB, Mr. PEPPER, Mr. BALL, Mr. HAWKES, and other Senators addressed the Chair.

Mr. PEPPER. Mr. President, does the Chair recognize the Senator from Florida?

The ACTING PRESIDENT pro tempore. Does the Senator from Florida ask for the floor in his own right, or does he desire to ask a question of the Senator from Louisiana?

Mr. PEPPER. I was asking for recognition of the Chair. I did not understand whom the Chair recognized.

The ACTING PRESIDENT pro tempore. Does the Senator from West Virginia desire to propound a question to the Senator from Louisiana?

Mr. REVERCOMB. Yes.

The ACTING PRESIDENT pro tempore. Does the Senator from Louisiana

yield to the Senator from West Virginia for a question?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. Am I correct in my understanding that the effect of the amendment proposed by the Senator from Louisiana is to take supervisors out from under the provisions of the National Labor Relations Act?

Mr. ELLENDER. Yes.

Mr. REVERCOMB. And that it does not prevent them from joining a union if they desire to do so?

Mr. ELLENDER. It is provided in the proposed amendment under (c) that they shall have the right to unionize.

Mr. HAWKES. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. PEPPER. Mr. President, I ask leave to have printed in the RECORD at this point, without reading it unless a reading be requested, a copy of the letter in full which was dispatched this afternoon at 12:15 o'clock by Mr. A. Johnston, grand chief engineer of the Brotherhood of Locomotive Engineers, and Mr. A. F. Whitney, president of the Brotherhood of Railroad Trainmen, submitting a statement of the position and effort of the employees whom they represent, in an attempt to restore at once train service throughout the country.

The ACTING PRESIDENT pro tempore. Does the Senator request that the letter be inserted in the RECORD?

Mr. PEPPER. I request that the letter be printed in the RECORD at this point.

Mr. WILEY. Mr. President, the letter is of such importance that I suggest it be read.

Mr. PEPPER. I shall be glad to read it, Mr. President.

Mr. McCLELLAN. I also wish to suggest that the significance of the letter is such that it should be read.

The ACTING PRESIDENT pro tempore. Very well. The Senator from Florida may read the letter.

Mr. PEPPER read as follows:

WASHINGTON, D. C., *May 25, 1946.*

The PRESIDENT,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: The Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen are patriotic men and they wish to cooperate with you in every possible way in the maintenance of rail service in the country. We know, however, that you want to be fair to our men and that you will be fair to our men. We know that you would not ask us to surrender our deep convictions that the carriers have not given our people the consideration they deserve.

But we regret deeply the impression that our men are not willing to work for the Government. We will work for the Government. As you have by now heard, we had last evening a very constructive talk with the Honorable James F. Byrnes, Secretary of State, and the Honorable Lewis B. Schwellenbach, Secretary of Labor. It was suggested that if the Government feels that it should not enter into a permanent agreement with the engineers and trainmen we would be willing to negotiate a temporary agreement for the duration of Federal control if you would approve an increase of 18.5 cents an hour, or $1.48 a day, and the seven rules recommended by your Board, with appropriate interpretations, with the further proviso that we would be willing to arbitrate such other rules as we are unable to settle through negotiation with the railroads.

At the time, it was our understanding that this proposal would be submitted to the railways, but we were advised later that no action was taken in connection with it.

Your suggestion of the 18.5 cents increase would deprive us of the seven rules changes recommended by the members of your Emergency Board.

Our men await only your word that they can return to work for the Government on the basis of the award of your Emergency Board, that is, the seven rules changes, with appropriate interpretations, and 16 cents an hour wage increase, to be effective January 1, 1946, if you, Mr. President, will allow us to negotiate with you further concerning any other fair wage increases.

In returning to work on this basis we know that we can rely also on your fairness and good will to keep the door open to further consideration of those differences regarding working rules changes which apply to the membership of our two unions and in which the nonoperating rail unions have no interest. This would leave the matter of our contract with the carriers to be worked out in further negotiation.

When the permanent settlement is made we believe we can rely upon you to see that any benefits received by our men above those enjoyed during the period of government operation should be made retroactive.

Last evening you stated over the radio that the engineers and trainmen were among the highest paid workers in the country. We respectfully submit that you will find that the records show that we rank No. 27 in the matter of wages. This can be borne out by the record presented to your Emergency Board.

Some years ago the men we represent received wages which compared fairly well with higher paid labor. However, because of the handicaps with which we have been confronted due to restricted legislation and a desire to refrain from inconveniencing the public, we now find ourselves in a very unfavorable situation as compared with other labor. Furthermore, many of our members at this time are suffering reprisals from their employers, and if a settlement can be effected these men are certainly entitled to protection. We know, Mr. President, that if our men, upon our faith in you, return immediately to work we could count upon it that you would not allow such reprisals to be inflicted upon them.

We respectfully submit these suggestions to you, Mr. President, in our earnest desire to restore full and complete railway service to the Nation at once.

Respectfully yours,

A. JOHNSTON,
Grand Chief Engineer,
Brotherhood of Locomotive Engineers.

A. F. WHITNEY,
President,
Brotherhood of Railroad Trainmen.

Mr. HAWKES. Mr. President, I should like to say a few words in connection with the amendment offered by the Senator from Louisiana [Mr. ELLENDER], in which I have joined him. The amendment deals with the question of separating supervisory employees from the ordinary employees who join a labor union.

First, I wish to say that I believe that the Senator from Louisiana has devised a very good definition, which sets forth clearly the dividing point between those who are in management and those who are rated as regular employees. I have had experience in such matters, and I can vouch for the statement the Senator from Louisiana has made that until recently the National Labor Relations Board has always considered that anyone who had the right to hire, fire, or change the status of anyone under him, as related to wages, working conditions, or otherwise, belonged to management. In the only strike with which I had anything to do, the National War Labor Board, as the guardian, took the very definite position that no one who had power of control over other employees should be allowed to vote in the election for a collective-bargaining representative, and I concurred in that interpretation.

It seems to me there is nothing more important than to separate these two groups, without depriving anyone of his just rights. The amendment does not deprive the supervisory groups of the right to organize in their own union, or whatever they may choose to do. It merely separates management and those with whom management must bargain.

I submit to Senators that we have been criticizing Government bureaus and agencies which have been the prosecutor and the judge and have handled all sides of a case. I ask, How can a man bargain with himself successfully regarding the rights of others? Bargaining involves two sides of the table, it involves two parties attempting to find a common point of agreement.

Mr. President, I think this question is vital. So far as I am concerned, I have not found any labor organization of the old school which disagrees with the opinion that the supervisory management should not be a part of a labor-union organization. I believe that if they are permitted to go ahead along the line the recent decisions of the National Labor Relations Board permit them to go, we will find very extensive complaint, involving criminations and recriminations. In fact, I go so far as to say that I cannot personally see how a man can remain in the ranks of management if he is affiliated in the ranks of a labor union.

Mr. President, I merely wanted to make these remarks from my practical experience in business.

Mr. MAGNUSON. Mr. President, I do not quite understand section (c) on page 2, which provides:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

In view of that flat statement, what is the purpose of the rest of the amendment? How does it fit in?

Mr. ELLENDER. They can organize, but they will not have the protection of the Wagner Act.

Mr. MAGNUSON. In other words, the purpose of the Senator's amendment is to allow them to be members of a union or an organization, but they will not come under the Wagner Labor Relations Act?

Mr. ELLENDER. That is correct.

Mr. McCLELLAN. Mr. President, I wish to make an inquiry with reference to just what the amendment does. If persons are already members of a union, or if they should join a union which has bargaining powers under the Wagner Labor Relations Act, how would we by this amendment take those powers away from them? If they can vote in the

union, have a voice in the union, and then have the same position in management ascribed to them, it seems to me it rather leaves the matter in a state of confusion. They are both members of the union and can function as such——

Mr. ELLENDER. They cannot have the rights granted under the Wagner Labor Relations Act.

Mr. McCLELLAN. In other words, the union could not bargain for them with reference to wages and other things?

Mr. ELLENDER. That is correct. It separates the actual workers from the supervisors, who are their representatives with management.

Mr. HAWKES. Will the Senator yield for a moment?

Mr. ELLENDER. I yield.

Mr. HAWKES. I should like to say that the purpose of the amendment is to restore what we believe was the situation when the National Labor Relations Act was enacted.

Mr. ELLENDER. And as it was for 5 or 6 years following the enactment of the National Labor Relations Act.

Mr. HAWKES. In other words, to me the amendment provides that those who are in the ranks of management cannot take advantage of the National Labor Relations Act, because it was not passed in their interest.

Mr. ELLENDER. That is correct. That is all the amendment does.

Mr. McCLELLAN. Then, the supervisors in any industry, or employers, could organize a union and be members of the union, but insofar as making use of the union, or representatives of the union, for bargaining purposes with the employer is concerned, they would be prohibited from doing so under the provisions of the amendment; or would they?

Mr. ELLENDER. They could unionize. What the amendment does is to take away from them such rights as are afforded unions under the NLRB.

Mr. McCLELLAN. Collective bargaining is one of the rights afforded unions. What I am trying to ascertain is this: Suppose the supervisory employees of an industry organize a union of supervisory employees. It is not affiliated with the rank and file of labor employees who are not in a supervisory capacity. Having organized such a union, would that union, or representatives of it, have bargaining powers with the employer under the National Labor Relations Act?

Mr. ELLENDER. No; not under the National Labor Relations Act. They are denied that right. They can create an independent union of their own, and bargain, if they will, with the employer, but they would not have the protection of the NLRB.

Mr. HAWKES. I should like to give the Senator an illustration.

Mr. McCLELLAN. I am a little confused about what the practical effect of the amendment will be.

Mr. ELLENDER. I yield to the Senator from New Jersey, who has had much practical experience.

Mr. HAWKES. I wish to give an illustration. There is nothing in the laws of the United States, so far as I know, which would prevent all the employed presidents and vice presidents of the large corporations of the United States from organizing into a union, if they wanted to call it such, and there is nothing that would keep them from bargaining with the owners of the businesses for higher wages, higher salaries, better conditions, fewer hours of work, and many other things.

Mr. McCLELLAN. Either individually or collectively?

Mr. HAWKES. Either individually or collectively. This amendment does not change the status of the supervisory force at all in their right to organize a union, but it gives them no protection under the National Labor Relations Act, nor can they take advantage of that law in their bargaining.

It is our theory, in drawing the amendment, that it never was intended that they should come under the National Labor Relations Act. We are merely clarifying the situation which has come about by a divided opinion of the National Labor Relations Board in the last 2 or 3 years in connection with supervisory employees.

Mr. McCLELLAN. In other words, it merely segregates employees from management?

Mr. HAWKES. That is exactly what it does.

Mr. McCLELLAN. But under the National Labor Relations Act management is not a part of labor for collective bargaining, and cannot become a part of it, whereas under the present interpretation of the National Labor Relations Act, supervisors, foremen, and the like, may, as members of labor unions, get the benefit of collective bargaining and the protection of the National Labor Relations Act. That is the latest ruling.

Mr. HAWKES. I think the Senator has it perfectly clear. The situation is confused, and it has come about through a divided opinion of the National Labor Relations Board. We are trying to clear that up so that there can be no question that the National Labor Relations Act was never intended to give management bargaining rights under that act.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. MAGNUSON. Is it not true that under the National Labor Relations Act the trouble has been with respect to the interpretation of the term "supervisor"; that the difficulty has been to determine who is a supervisor?

Mr. HAWKES. That is very definitely so.

Mr. MAGNUSON. What bothers me about the amendment of the Senator from Louisiana is that it would not prohibit the organizing of a union or prohibit men from belonging to a union, but it would be an impotent union for the simple reason that the men would not receive the protection of the Wagner Act. On page 2, subparagraph (a) provides:

> (a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action.

Would not that language give rise to some abuses? For instance, an employer might say to every third workman in his plant, "You are now a supervisor. You can discipline the two men under you." That might completely do away with all collective bargaining for one-third of the plant. Or an employer could make the same assignment with respect to every other man who worked for him.

Mr. HAWKES. I believe that such a situation as the Senator now describes would be thoroughly covered by the act itself. The National Labor Relations Board could determine such questions in respect to elections held.

Mr. MAGNUSON. But the minute a man is called a supervisor, the minute he is given authority to say to one man or to two men "You do this; you do that," he comes out from under the Wagner Act as such.

Mr. HAWKES. I will say to the Senator from Washington that if an employer tried to put anything like that over on the National Labor Relations Board in an election he would not succeed, because the Board examines into such matters in most minute detail. Representatives of the Board would check such matters and would finally come to an agreement with the employer and the representatives of the employees as to who should vote. I think the Senator will find that such a situation is pretty well covered by the procedure of the National Labor Relations Board.

Mr. MAGNUSON. I appreciate that those who come within the jurisdiction of the act would be protected, but it is entirely possible that if an employer calls a man a supervisor that man would not come under the act. I do not say that such things would happen in all cases, but what is bothering me is the possible abuse that might occur because of the definition of the term "supervisor." An employer could designate every fifth man in his plant to be a supervisor. That man would be given the right to tell the other four men at the machine what they should do. Therefore, he would be a supervisor.

Mr. HAWKES. The mere calling of an individual "supervisor" is not the determining factor at all. The question is whether the individual has the powers defined in the amendment.

Mr. MAGNUSON. The amendment provides that an employee who is given the right to discipline another employee becomes a supervisor, if the employer wants to call him such.

Mr. HAWKES. Does not the Senator think that one who disciplines another employee becomes a supervisor?

Mr. MAGNUSON. The employer can designate every other man as one who has authority to discipline the other.

The ACTING PRESIDENT pro tempore. The Chair wishes to say that under the unanimous-consent agreement no Senator may speak more than once on the bill or more than once on any amendment.

Mr. MAGNUSON. Mr. President, I am simply asking questions of the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Chair is endeavoring to determine the situation with respect to who has the floor, and whether the Senator is speaking on the bill or on the amendment.

Mr. HAWKES. Mr. President, I had the floor and yielded for a question. I was recognized by the Chair.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. McCLELLAN. With respect to the question raised by the Senator from Washington, it occurs to me that a great number of workers would not be promoted to the status of supervisors. It simply could not occur because they are already under working contracts. Industry could not promote men by the wholesale as the Senator suggested might be done, without bringing about a great increase in the payment of wages, and without considerable change in other respects in connection with the placing of additional responsibility on men.

Mr. MAGNUSON. The employer could pay the man designated to be a supervisor the same amount he pays other workers. In fact the work pay of the ordinary worker may be even greater than that of the supervisor.

Mr. McCLELLAN. Does the Senator understand that simply because management may direct someone to have authority over other employees the man so directed must accept? Must he place himself in the status of a supervisor whether he wants to or not?

Mr. MAGNUSON. My point was that a man working in a plant could be designated by the employer to be a supervisor by merely saying to the worker "You have the right to tell worker No. 1, worker No. 2, and worker No. 3, and worker No. 4 what to do during the day." A great deal of confusion could arise under the terms of the amendment with respect to who is a supervisor. I think the present system, under which the Labor Board determines who is a supervisor in actuality works better than would the proposed system. Under the proposed system the employer could simply designate who is a supervisor, while under the present system the National Labor Relations Board can examine into all such cases, and it has jurisdiction to determine the question.

The ACTING PRESIDENT pro tempore. The Chair understands that the Senator from New Jersey has spoken once on the amendment. He has a right to speak on the bill.

Mr. HAWKES. No; I have not spoken once on the amendment. I have simply spoken on the bill.

The ACTING PRESIDENT pro tempore. The Chair has a definite recollection that the Senator from New Jersey spoke once on the amendment, and inasmuch as the Senate is operating under a unanimous-consent agreement the Chair will ask that Senators comply.

Mr. HAWKES. I will speak for a few moments on the bill, Mr. President.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey to speak on the bill.

Mr. HAWKES. I wish to say to the Senator from Washington that whatever we may do, we will not completely rid ourselves of confusion. If it is proposed to try to define everything to the *n*th degree we will never have any bill. From my experience, I believe the Senator will find that he will be satisfied with the decision of the Board whenever a dispute of this kind arises. I think we would be going too far if we were to assume that every employer, or most employers, would appoint a greater number of supervisors, making them a part of management, and thus placing them in the higher brackets of compensation, simply to avoid the provisions of the act.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. WHEELER. The Senator from New Jersey, I know, is a very honorable employer. The trouble, however, is that there are employers who are not honorable. Complaint has been made of exactly the condition of which the Senator from Washington has spoken, that is in some industries workers have been called supervisors simply in order to get around the law. Some unscrupulous employers in the past have designated great numbers of men as supervisors in order to break up a union completely. That is why the War Labor Board changed its ruling in the first instance. I agree with the Senator from New Jersey that if all employers were honorable, there would be no necessity for safeguards of this nature. I agree that what is proposed in the amendment would be a perfectly legitimate piece of legislation, and I would favor it. But, unfortunately, there are some unscrupulous employers, as there are unscrupulous men in all walks of life.

Mr. HAWKES. I should like to ask the Senator from Montana a question. He will admit, will he not, that under the National Labor Relations Act there is a very definite necessity of separating management from labor?

Mr. WHEELER. Yes.

Mr. HAWKES. I do not know of any legislation now on the books or proposed that is perfect. But I think the Senator from Louisiana has devised a definition in the amendment which, after many years of experience under the Wagner Act, is as precise as can be made. I believe it will give the National Labor Relations Board the foundation which the Senator from Montana believes it should have for stopping such practice on the part of uncrupulous employers.

Mr. WHEELER. If the amendment were to be adopted, I think it would be extremely difficult for the Board to rule on the question of who has the right to discharge or who has the right to assign. Many individuals might have the right to assign others to a job, or to tell others to do this or to do that. I fear that, under the definition provided in the amendment, unscrupulous employers would do what the Senator from Washington fears might be done. I know such things have been done by some employers. I have said to some labor leaders that I did not think it a good idea for the unions to take in foremen and superintendents. The reason it was done, in many instances, was because employers designated many individuals to be supervisors, and did so in an effort to break up a labor organization.

Mr. HAWKES. The Senator from Montana will agree, will he not, that where there is no distinction or discrimination between management and labor the result, in effect, is socialism and communism?

Mr. WHEELER. It seems to me there must be supervisors as distinguished from workers. But we pass laws, Mr. President, to deal with the unscrupulous individuals. We do not pass laws to deal with honorable employers. If all people were honorable and honest, we would not need laws. Our difficulty lies on the fact that there are unscrupulous individuals, whether on the side of labor or on the side of employers.

Mr. HAWKES. And there are probably just as many on one side as on the other.

Mr. WHEELER. Yes. They may be found on both sides.

Mr. HAWKES. My experience in life has taught me that if we could take a knife and cut a cross section out of every group in our American society, and throughout the world, we would find just about as much selfishness in each piece we analyze, one as compared with the other.

Mr. WHEELER. We find selfishness among every race, every religion, and every organization, whether it be an organization of labor, of farmers, of businessmen, or anyone else. But we enact laws to reach the unscrupulous individual, or the individual who is crooked. Frankly, I am afraid that this proposal would throw open the door for the unscrupulous to break down labor organizations.

Mr. HAWKES. I thank the Senator from Montana.

In concluding my statement I wish to say that this bill with this amendment, from my point of view, defines the thing which is at issue, and which is creating confusion in connection with the National Labor Relations Act. I very strongly recommend its adoption.

Mr. MURRAY. Mr. President, when this question was before the Committee on Education and Labor it was given considerable thought, and it was decided by the majority that this subject is not a proper matter for legislative disposition.

When the issue with respect to supervisory employees was first raised, it was determined by the National Labor Relations Board that the definition of "employee" under the National Labor Relations Act included such employees, and that they could, in appropriate cases, constitute an appropriate bargaining unit within the meaning of section 9 of the act. The Board has been consistent in its position that supervisors are employees, and has uniformly been sustained by the courts on this point. In the *Matter of Maryland Drydock Co.* (49 N. L. R. B. 733), however, and later cases, it adopted the view that, except in certain cases where the traditional practice of the unions involved was to the contrary, supervisory employees could not constitute an appropriate bargaining unit. Recently, in the *Matter of Packard Motor Car Co.* (61 N. L. R. B. 4), and in the *Matter of Jones and Laughlin Steel Corp.* (66 N. L. R. B. No. 51), the Board reverted to its original position, and has designated bargaining units consisting of supervisory employees.

The status of these employees is by no means a simple issue, as is evidenced by the line of decisions in cases before the Board. Your committee feels that this problem must be viewed on the basis of a realistic approach to the problems of large-scale modern industry. While it may be true that in small enterprises the supervisor is identified with the management of the business for most purposes, there is, as a matter of fact, very little such identification in the case of supervisory employees of gigantic industrial concerns, except perhaps in the case of employees at the highest levels of policy making and direction. While the supervisory employee may have some limited management functions, his tenure is no more secure than that of the rank-and-file production employee and, in the absence of organization, he is equally at the mercy of management as to his own wages, hours, and working conditions. It was on the basis of this reasoning that the Board, in the light of long experience in the performance of its statutory duties, accorded to supervisory employees the right to form a collective-bargaining unit, subject, of course, to any applicable conditions that the act imposes.

During the period while the Board's decision in the Maryland Drydock case was in effect, membership in the foremen's unions increased by leaps and bounds. The refusal of the Board to certify bargaining units of supervisory employees led to several strikes for recognition by foremen's unions, particularly in the automotive industry, which constituted some of the more serious interruptions to war production. The representation machinery of the act for the determination of representation disputes was devised to obviate the need for strikes for the purpose of obtaining union recognition. It would be incongruous to close a peaceful avenue for the settlement of disputes, and to substitute the road of industrial warfare. The removal of the protection of the Wagner Act from supervisory employees does not make self-organization illegal. And recent history shows that the trend toward such organization is not likely to be arrested by requiring employees to depend upon the exercise of economic strength to obtain the right to organize. Many subsidiary issues may arise with respect to this question. It is the sense of your committee that these issues will not be resolved, nor will the sources of conflict be eliminated, if the Congress, by statute, denies bargaining rights to supervisory employees. It has therefore been determined to leave the matter where it now stands, in the hands of the Board for decision in individual cases as they arise.

I think we ought to keep in mind that the practice of bargaining collectively with foremen's unions has been thoroughly established in this country for a great many years, and it has not had any such dire results as are claimed. There have been foremen's unions for many years in the railroad and maritime industries, in the building and metal and printing trades, and in the postal and railway mail services. Many problems arose in those industries as a result of the organization of the foremen. Some of the problems were tough ones. But they were not insoluble. All that was necessary was for the employers and the employees to sit down around a table and work them out in an atmosphere of good faith and cooperation. That is the way man solves all his problems. It does not help to bury one's head in the sand and pretend or wish that the problems did not exist. He must face them. Passing the Case bill would be like burying our heads in the sand. I believe that Government can best help to solve the problems arising out of the organization of foremen by making sure that the parties sit down together and try to work them out. We can do it by seeing that there is available to those employees impartial and orderly machinery so that, freely and uncoerced, they can cast their secret ballots in the choice of a representative. Then we can see to it that the employers sit down with the freely chosen representatives and, in good faith, seek to work out their mutual problems. This is the democratic way. This is the rational way. This is the peaceful way.

Mr. President, I have received a letter from the Foreman's Association of America, which explains their position very clearly. I should like to read it if I have the time. It is addressed to me as chairman of the committee, and reads as follows:

FOREMAN'S ASSOCIATION OF AMERICA,
Washington, D. C., May 13, 1946.

Hon. JAMES E. MURRAY,
Senate Office Building, Washington, D. C.

DEAR SIR: In the following statement I wish to call attention to facts that should be taken into consideration in dealing with the problem of collective bargaining for foremen.

Unless he owns all or part of the enterprise in which he functions as a supervisor, a foreman is first and always an employee in his relationship to his employer. The degree of authority vested in him may determine whether he is part of the management.

There is a reasonably clear line of demarcation between the personnel comprising the management of an industrial entity and those comprising the supervisory staff. The former group is vested with authority and responsibility to devise and determine the policies and program to be engaged in by the company. To the supervisory staff is delegated the duty to translate said policies and program into productive activity under prescribed limitations.

There is nothing whatever incompatible in a situation wherein foremen may deal with their employer through a collective bargaining agency on matters affecting their own wages, hours, and working conditions and at the same time serve their employer fully and faithfully as his agent in the capacity of supervisors of the personnel functioning under their direction. These are entirely separate relationships and the oft-repeated reference to "serving two masters" is a deceitful effort to becloud the true facts.

The amendment No. 5 as proposed in the minority report on the bill H. R. 4908, if enacted, will serve to deny to supervisory employees the ordinary protection available to other employees in the employee-employer relationship. This will tend to discourage competent men from leaving the security afforded them through collective bargaining to accept the responsibilities of supervision.

The enactment of such discriminatory legislation as is embodied in the above-referred-to amendment will not serve to accomplish the purposes of the act, namely, "to encourage settlement of disputes," etc., but will arouse foremen to avail themselves of whatever means that may be at hand to protect their interests. Foremen are intelligent men and they will not hold still while being hamstrung at the behest of their organized employers.

Subsection (b) of the amendment would place the individual supervisor at the mercy of the whims of his employer whose interests are protected through organization.

In effect, subsection (e) of the amendment says that a supervisor may be a member of a labor organization, be subject to its commitments, may pay dues, but may not receive any benefits or protection therefrom. If ever a discriminatory situation were devised, this is it.

Progress in human relations is not attained by suppression but by conscious effort to solve our problems.

Very truly yours,

W. ALLEN NELSON,
Vice President.

Mr. O'MAHONEY. Mr. President, I should like to address an inquiry to the Senator from Louisiana [Mr. ELLENDER], but he does not seem to be in the Chamber. Perhaps I may address it to the Senator from Ohio [Mr. TAFT] if I may have his attention.

I notice that in the minority views on page 17 there appears the text of amendment No. 5 suggested by the minority, which deals with the problem of the supervisory employee. That amendment has apparently been abandoned, and there has been substituted the amendment which was offered a few moments ago by the Senator from Louisiana. The significant difference between the two, of which I should like to have an explanation, is that the amendment set forth in the minority views defines a supervisory employee as one "who regularly devotes less than 20 percent of his time to productive manual work"; whereas the amendment upon which we are asked to vote does not provide such a definition. Therefore, it lends itself to the interpretation made by the Senator from Washington; namely, that if it should become the law it would be possible for the employer to designate as supervisors, employees who had practically no supervisory work or who did 20, 25, or 50 percent of productive manual labor.

Mr. President, it seems to me it was a very significant thing to draw up this very distinctive definition, and I should like to know why the minority have abandoned that position.

Mr. BALL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BALL. We did so because of the great number of independent establishments. For instance, some of the dairy companies have independent establishments of 8 or 10 employees with a foreman in charge. That is quite often the case in a branch of some large business. The supervisor is in complete charge, and yet he spends perhaps 80 percent of his time working along with the men. The definition regarding 20 percent of manual labor is, as we discovered, rather an unrealistic definition. Even the wage-and-hour legislation has exempted those who are in charge of independent branches or establishments, even though they do more than 20 percent of manual labor, although that is their criterion.

It seemed to us that this definition—and that is why we abandoned the No. 5 minority amendment—is much more realistic and effective because it is tied up with the individuals who have authority in the interests of the employer to hire, transfer, and so forth, or to make effective and recommend such action, and also to determine the factors on which pay is based or make recommendations about pay. Such exercise of authority is not of a merely routine or clerical nature, but it requires the use of independent judgment.

That definition, I may say, was worked up by the Senator from Louisiana, in cooperation with some attorneys of the National Labor Relations Board, who, I believe, originally used a definition very similar to this one when the National Labor Relations Board was holding that supervisory employees were not covered by the act.

Mr. O'MAHONEY. From what the Senator has said, I am sure that it is not his purpose to present an amendment which would afford an opportunity for an employer who might be so inclined to avoid the responsibilities of the National Labor Relations Act.

Mr. BALL. I would say to the Senator that there is no possibility of that, because the determination in any case which is disputed will be made by the National Labor Relations Board. I think that Board has consistently held that such a designation, which was merely a subterfuge, would not hold.

Mr. O'MAHONEY. Then, let me ask the Senator this question, calling his attention to lines 3 and 7 on page 2 of the measure. There the words "any employees" appear. Of course, that would mean that a supervisor would be included in this amendment if he had the right to assign one employee.

Mr. BALL. The word there is in the plural; there would have to be at least two employees.

Mr. O'MAHONEY. Very well; let us consider that. Of course, that in itself would lead to the possibility of abuse. Would there be any objection to a modification of the amendment at that point, so as to use, for example, instead of the words "any employees," the words "not less than 10 employees," or some such figure?

Mr. BALL. I think perhaps it would be necessary to make it less than 10, inasmuch as some of the independent establishments have perhaps only 5, 6, 7, or 8 employees.

Mr. O'MAHONEY. I am simply suggesting a minimum, so that it will be clear from the language that the supervisor has in fact supervisory authority, and has not been merely named a supervisor for the purpose of the classification.

Mr. BALL. I should see no objection to changing the amendment so as to read "not less than five employees," but frankly I think the National Labor Relations Board in interpreting the language would disapprove of any subterfuge used by an employer to try to avoid the application of the Wagner Act. I would not object to the modification the Senator has proposed. I do not know how the Senator from Louisiana [Mr. ELLENDER] feels.

Mr. ELLENDER. I would not object to providing for five.

Mr. O'MAHONEY. I suggest to the Senators that they might modify their amendment in that way. After that is done, if it is done, I desire to ask another question. The other question refers to paragraph (c).

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LUCAS. Do I correctly understand that the Senator from Louisiana has modified the amendment in accordance with the suggestion which has been made by the Senator from Wyoming?

Mr. ELLENDER. Yes, Mr. President, I make that modification on page 2, in line 3 and in line 7.

The ACTING PRESIDENT pro tempore. The amendment will be modified accordingly.

Mr. O'MAHONEY. Mr. President, with respect to lines 18, 19, and 20, I should like to have a clear definition of the meaning of the language:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

Is it intended by that to mean that such a labor organization shall not have the benefits accorded other labor organizations under the National Labor Relations Act, or would that section properly be interpreted as though it read as follows:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization, with all the powers of a labor organization under the terms of the National Labor Relations Act.

Mr. BALL. Mr. President, if the Senator will yield, let me say I do not think the language he mentions is necessary, because all we do in subsections (a) and (b) is to remove from the protection of the Wagner Act supervisory employees in respect to their efforts to organize and bargain collectively.

In other words, an employer who said, "I do not want my foremen organized; and if they join a union, I will fire them," could not be cited for unfair labor practices before the National Labor Relations Board, as he can under their recent decision. But there is nothing in any law—and subsections (a) and (b) would not change that situation—to prohibit a foreman from joining a labor organization.

Mr. O'MAHONEY. Then, as I understand the Senator, the purpose of those who are advancing this amendment is to give the employers the right to prohibit their foremen from joining a union which has rights under the National Labor Relations Act and which may bargain collectively and be protected by that law. Is that correct?

Mr. BALL. Yes; to give the employer the right, if he does not want his foremen unionized, to fire them without running the risk of being cited for an unfair labor practice by the National Labor Relations Board.

Mr. O'MAHONEY. I thank the Senator for his candor.

Mr. MAGNUSON. Mr. President, I should like to ask a further question.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. MAGNUSON. Will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. I wish to ask the Senator from Minnesota again if this matter does not illustrate what we have been trying to point out, namely, the great difficulty of attempting to legislate on these matters. Here is an amendment which is designed in good faith to correct a situation which I know exists on both sides in regard to foremen. The purpose is to prevent trouble and strikes. But when we take foremen out from under the provisions of the Wagner Act, here is what happens, which is an excellent example I think of what causes strikes: The foremen organize—they are not under the Wagner Act—they go to the employer, and say to him, "We want to bargain with you for better conditions." The employer can say to them one of two things. He could either say, "I do not want to bargain with you," or "I do not think you should have a union." And that will be all. If the law does not require him to do anything further, that will force a strike, or on the other hand, they could go to the employer as a group, and say to him, "We want to bargain with you to improve our conditions." The employer could say to them, "I do not think you represent a majority," or "I do not think you represent the union." He could stop right there. And then they would strike.

So, Mr. President, the amendment would remove many of the good features of the present law. In my opinion, it would cause even more strikes, because once the employer said that, that would be the end; the foremen would be out from under the act, and they would have no chance.

I do not think employers would do that as a rule, but such a practice is what causes trouble. Again, Mr. President, I say it shows the almost insuperable difficulty of trying to legislate in connection with these matters.

Many foremen—and this situation has been the cause of much trouble in the past—have gone to their employers, and have said, "We would like to do this," and the employers have said to them, "I do not think you represent a majority of the foremen," or "I do not want to bargain with you." And that is all. That causes strikes, and it offers no possibility of mediation. It does away with all forms of mediation. I appreciate the difficulty which has been experienced by the Board with regard to foremen, but it seems to me that an amendment such as the pending one would not correct anything. On the contrary, it would probably increase the difficulties which already exist.

Mr. BALL. Mr. President, I am sorry that the Senator has escaped the purpose of the amendment. An employer may say that he does not want his foremen to organize because they are a part of management. If the foremen go on strike, the management may hire new foremen without being liable under the Wagner Labor Act, or being required by the court to reinstate the men who have gone on strike. I admit that a few strikes

may take place. But does the Senator want the whole weight of the NLRB decision to be invoked in enforcing employers to permit, recognize, and accept the unionization of their foremen who are representatives of management, and who deal directly with the production workers? Would the Senator have the foremen subject to the discipline of the production workers, when at the same time they represent management?

Mr. MAGNUSON. Mr. President, I agree that abuses may take place. But I am merely trying to point out the difficulty which we always experience in trying to legislate on matters of this character. The abuses which have occurred in the so-called foremen and supervisory field have been great. However, the temptation to commit abuses, should the pending amendment be agreed to, would be greater, in my opinion, than it is now. Again, I assert, Congress is attempting to legislate in a field in which the application of the Wagner Act would probably be the best solution.

Mr. BALL. Mr. President, if the Senator believes that management should have the right to hire and to fire its foremen and supervisory employees without Government interference, I am sure he should be willing to vote for this amendment. I believe that if management is to remain management, it must have the right to hire and fire its supervisors and foremen.

Mr. LUCAS. Mr. President, am I to understand that at one time the Board rendered a decision which was in line with what the Senator from Minnesota suggested a moment ago?

Mr. BALL. Up until a few years ago the Board's decision was that supervisory employees were not covered by the Wagner Labor Relations Act.

Mr. LUCAS. That was my understanding, and I was wondering why the Board changed its position within the last 2 or 3 years.

Mr. BALL. There have been some 14 or 15 decisions. I read the last one on the Jones-McLaughlin case. That decision treated the word "employee" absolutely literally.

Mr. TAFT. I should like to point out that the Board membership changed. That is why the decision was changed.

Mr. LUCAS. In other words, the question has been a very close one within the Board from the beginning of this problem.

Mr. MAGNUSON. There again, as I have already stated, the Board has the authority to determine these questions. Of course, a change in the membership of the Board may take place during the course of time. The members of the Board may reverse themselves occasionally, but the matter is an administrative one, and when Congress starts to legislate on it we shall get into more trouble than we have already experienced.

Mr. HATCH. Mr. President, if the Senator will yield to me, I wish to assert that we, as Members of the Congress, have no right to leave these matters to administrative discretion. Either we intend to have supervisors construed to be employees having all the benefits of the Wagner Labor Relations Act, or we do not intend to have them so construed. I contend, Mr. President, that, instead of it being a difficult matter on which to legislate, it is a simple matter, and one on which legislation should be enacted. If we do not lay down the rules, we have no right to criticize the administrative boards. I believe the issue is very clear-cut. Either the supervisors are employees or they are not, and the Congress should say so.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] for himself and other Senators.

Mr. WAGNER. Mr. President, I understand that the question with which we are dealing is now pending in court. I believe that the subject about which we are asked to legislate is the very subject over which we fought several years ago. The issue then was, Shall the workers have the right to organize and bargain collectively? Foremen are also workers. What we are now being asked to say to the foremen is "No; you may not organize. If your employer does not want you to have a union, you may not organize." As I have said, we fought over that issue some years ago when the so-called Wagner Act was first before the Congress. Supervisors are not a part of management; but it is now proposed to say to them, "You may not be protected under the so-called Wagner Act because you are foremen. You are not ordinary workers. You may not have anything to say about your wages. You have no right to bargain collectively." We fought out that very issue back in 1933, and we thought it was settled. The employer said to the employee, "No; you may not belong to a union." We were compelled to enact legislation so as to permit the workers to organize.

Mr. BREWSTER. Mr. President, am I correct in understanding that up until 2 years ago the board took a position contrary to the one which was referred to a few minutes ago?

Mr. WAGNER. I do not recall.

Mr. BREWSTER. I understand that to be the subject of the present discussion.

Mr. WAGNER. I said that the court now has the question before it for decision, and it will make a decision very soon.

Mr. ELLENDER. Mr. President, I have already cited a decision which held to the contrary. For 5 or 6 years following the enactment of the act the board followed the very definition which now is before the Senate.

Mr. WAGNER. Senators may do as they please, but if they vote for the amendment they will say to many foremen and supervisors, "No; you have no legal protection. You have no right to bargain collectively. You have no right to carry on collective bargaining with your employer with reference to what your wages, hours, or anything else shall be." Senators, if we do that, I say that we are returning to the old days.

I recall the time—I am sure that if the senior Senator from Montana [Mr. WHEELER] were here he would bear me out in my statement—when we went into some of the coal mines. That was in 1928. A strike had occurred. The reason for the strike was that the coal miners wanted unions, and the employer said, "If you organize into a union, you may not work in this mine." Men were ejected from their houses. They were not permitted to obtain any food from the company stores. Since then we have fought that issue out. The miners now have the right to organize and to bargain collectively. Are we now to say to the supervisors that they may not have unions or be protected?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. The foremen may have unions. Of course, it is provided that if they go to the employer for something he does not have to bargain with them collectively. He may bargain with them separately. The foremen have the right to wait on the employer and present their grievances, or any other issue, but the employer may deal with them separately.

Mr. WAGNER. Of course, Mr. President, at one time that was true with reference to all unions. What the Senator would have the employer say is, "We will not bargain with you unless you get out of the union." I think that is very unfair.

Mr. TAFT. No; the foremen would not have to get out of the union.

Mr. WAGNER. Possibly not, but they could not continue to work for the same employer.

Mr. TAFT. Oh, yes; they could. They could be members of the union. The effect of the amendment is that the union may not insist that foremen be represented by it. Foremen can be members of unions; they may be members of the men's union, if they wish, or their foremen's union, but the union is not entitled to be the sole collective-bargaining agent, and if they engage in union activities they may be fired, and, frankly, if a foreman engages in union activities against the interests of his employer, I think the employer should have a right, under those circumstances, to separate him.

Mr. WAGNER. I know that is the Senator's view, but it is not my view. I believe a foreman, like any other workman, is entitled to protection.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Louisiana [Mr. ELLENDER] for himself and other Senators.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED], who is detained on official business. I transfer that pair to the Senator from Utah [Mr. THOMAS] who is unavoidably detained, and who if present would vote as I intend to vote. I am therefore at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee

[Mr. McKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that, if present and voting, the Senator from Alabama [Mr. BANKHEAD] and the Senator from North Carolina [Mr. HOEY] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present, he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present, he would vote "yea."

The Senator from Kansas [Mr. REED] is detained on official business. If present, he would vote "yea."

The result was announced—yeas 48, nays 30, as follows:

YEAS—43

Andrews	Ferguson	Overton
Austin	Fulbright	Revercomb
Ball	George	Robertson
Brewster	Gerry	Saltonstall
Bridges	Gurney	Smith
Brooks	Hart	Stanfill
Buck	Hatch	Stewart
Bushfield	Hawkes	Taft
Byrd	Hayden	Tobey
Capehart	Hickenlooper	Tydings
Capper	Knowland	Vandenberg
Connally	Lucas	Wherry
Cordon	McClellan	White
Donnell	Millikin	Wiley
Eastland	Moore	Wilson
Ellender	O'Daniel	Young

NAYS—30

Aiken	La Follette	Murray
Barkley	Langer	Myers
Downey	McCarran	O'Mahoney
Green	McFarland	Pepper
Guffey	McMahon	Russell
Hill	Magnuson	Taylor
Huffman	Mead	Thomas, Okla.
Johnson, Colo.	Mitchell	Wagner
Johnston, S. C.	Morse	Walsh
Kilgore	Murdock	Wheeler

NOT VOTING—18

Bailey	Chavez	Radcliffe
Bankhead	Glass	Reed
Bilbo	Gossett	Shipstead
Briggs	Hoey	Thomas, Utah
Butler	McKellar	Tunnell
Carville	Maybank	Willis

So the modified amendment of Mr. ELLENDER and other Senators was agreed to.

Mr. TAFT. Mr. President, I offer an amendment in behalf of the Senator from Minnesota [Mr. BALL], the Senator from New Jersey [Mr. SMITH], the Senator from New Mexico [Mr. HATCH], the Senator from Virginia [Mr. BYRD], and myself.

I may say that this is amendment No. 3 in the minority views, and amendment C offered on May 9. There seems to be two amendments marked "C." This is the one offered on May 9.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert a new section, as follows:

SEC. —. (a) Suits for violation of a contract concluded as the result of collective bargaining between an employer and a labor organization if such contract affects commerce as defined in this act may be brought in any district court of the United States having jurisdiction of the parties.

(b) Any labor organization whose activities affect commerce as defined in this act shall be bound by the acts of its duly authorized agents acting within the scope of their authority from the said labor organization and may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States: *Provided*, That any money judgment against such labor organization shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purposes of this section district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of summons, subpena, or other legal process upon such officer or agent shall constitute service upon the labor organization.

(d) Any employee who participates in a strike or other stoppage of work in violation of an existing collective-bargaining agreement, if such strike or stoppage is not ratified or approved by the labor organization party to such agreement and having exclusive bargaining rights for such employee, shall lose his status as an employee of the employer party to such agreement for the purposes of section 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of status for such employee shall cease if and when he is reemployed by such employer.

Mr. TAFT. Mr. President, this amendment is the third and last of the amendments which attempt to strengthen the collective-bargaining process. I do not know of anything for which there has been greater demand than recognition that labor unions shall be responsible on their collective-bargaining contracts exactly as the employer is responsible. The United States Supreme Court has said that the purpose of the Wagner Act was:

> To compel employers to bargain collectively with their employees to the end that an employment contract, binding on both parties, should be made.

I quote from President Truman's address to the Management-Labor Conference in November 1945:

> We shall have to find methods not only of peaceful negotiation of labor contracts, but also of insuring industrial peace for the lifetime of such contracts.

I quote still further from President Truman's address:

> Contracts once made must be lived up to and should be changed only in the manner agreed upon by the parties. If we expect confidence in agreements made, there must be responsibility and integrity on both sides in carrying them out.

A bill was introduced, as I recall, by the Senator from Virginia [Mr. BYRD] to require all labor unions to incorporate. We found that to be awkward, and we thought it unnecessary. All we provide in the amendment is that voluntary associations shall in effect be suable as if they were corporations, and suable in the Federal courts if the contract involves interstate commerce and therefore involves a Federal question. As a matter of fact, labor unions in theory are responsible for their contracts. At times they have been sued, including actions for tort. In the Danbury Hatters case it will be remembered a judgment was obtained, and because it was a voluntary association, the houses of all the various members were levied upon and taken in satisfaction of the judgment. We do not want to perpetuate such a condition. Therefore, we provide very simply that a labor union may be sued as if it were a corporation, and if it is sued, then the funds of the labor organization and its assets are responsible for the judgment, but the funds and the assets of the individual members are not liable on such a judgment. In other words, we think in subsection (a) and in subsection (b) we have fairly stated the proposition.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I want to put a question to the Senator while he is discussing the effect of the right to sue and to make unions liable. The amendment, however, goes further than that, because it provides in subsection (d)——

Mr. TAFT. I will come to subsection (d). Does the Senator wish me to discuss it now?

Mr. REVERCOMB. I want to raise a question respecting subsection (d), because it places a penalty on the individual who stops his work. I shall be glad to have the Senator discuss it now.

Mr. TAFT. Let me finish discussing subsection (c) first. It simply provides how labor unions may be sued, how they may be served, and provides the machinery by which the suit may be brought. The difficulty with respect to unincorporated associations is that under most State laws they are very difficult to sue. In theory, they are suable, but as a practical matter there are many States in which it is almost impossible to sue them. It is necessary to make practically every member of the labor organization a party to the suit. Various other kinds of restrictions and difficulties exist which, as a practical matter, in a large part of the United States makes it absolutely impossible to sue a labor union.

Subsection (d) provides that if an employee strikes in violation of the contract and without the approval of the union he shall be personally deprived of his rights under the Wagner Act. In other words, that is a wildcat strike, if you please. If the union violates its collective-bargaining agreement, it is responsible, but no individual member is responsible, and he can in no way be deprived of his rights. But if the union tries to keep its contract and, in violation of its undertaking, some of its members proceed to strike, then the employer may fire those members and they do not

have the protection of the Wagner Act. As a matter of fact, I am told—I do not assert it definitely, because I do not have a copy of the contracts—that the last Chrysler contract and the Ford contract provide exactly that. In other words, the unions themselves have said in their agreement that "if there is a wildcat strike during the period of this agreement you may fire any member who starts it and we will not ask for his reinstatement." All we do is to carry out that principle in the law.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. It seems to me that the language in subsection (d) which is now being discussed goes further than an attempt to stop a wildcat strike. Let me read the language again:

(d) Any employee who participates in a strike or other stoppage of work in violation of an existing collective-bargaining agreement, if such strike or stoppage is not ratified or approved by the labor organization party to such agreement and having exclusive bargaining rights for such employee, shall lose his status as an employee of the employer, party to such agreement for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of status for such employee shall cease if and when he is reemployed by such employer.

The punishment falls directly upon the individual who engages in a work stoppage.

Mr. TAFT. Wait a minute. Only if such striker's stoppage is not ratified or approved by the labor organization.

Mr. REVERCOMB. The individual man is placed by this provision at the mercy of both the employer and the labor organization. In other words, if an agreement has been made that he will do certain work, and for reasons satisfactory to himself he wants to stop work, this provision, as I see it, might be construed to say "No, if you stop work for what is in your judgment good cause as an individual, you are going to be subjected to a penalty whereby you cannot get your rights under the National Labor Relations Act."

Mr. TAFT. No, I do not think the Senator is correct in any way. A man who quits because he is sick, because he does not want to work any more, is not participating in a strike nor is he violating the collective-bargaining agreement. That is the main point. The collective-bargaining agreement does not promise that every member of the union is going to continue working indefinitely for the employer. If he is sick, if he chooses to take a vacation, and go away, that certainly is not in violation of the collective-bargaining agreement.

Mr. REVERCOMB. If a man wants to stop work—and the amendment uses the word "stoppage", must he go to his union and obtain its consent to stop, even if the individual thinks it is right to stop work and wants to stop?

Mr. TAFT. No, because if he wants to stop it is not in violation of the agreement for him to stop.

Mr. REVERCOMB. The amendment uses the word "stoppage." It is a word that goes beyond "strike."

Mr. TAFT. A work stoppage may mean a slow-down. It may mean anything which is in effect a strike, but it is not in violation of any collective-bargaining agreement I have ever seen for a man to stop work and go home if he does not want to work any more for the employer, or wants to take a vacation.

Mr. REVERCOMB. The word "stoppage" has a very broad meaning. When a man stops work he is guilty of a work "stoppage." But let me point out to the able Senator that in the first amendment adopted very similar language was used. I call attention to page 3 of the first amendment, under subsection (d), the same designation as the section we are discussing in the pending amendment:

Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute.

But I may point out to the able Senator that the amendment further provides:

(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive and no other legal or equitable remedy for such failure shall be available.

Then I point out especially this language:

Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

What I am trying to point out to the able Senator from Ohio is that this amendment is good so far as it applies to permitting a suit to be maintained against a labor organization and permitting recovery against the organization as a unit, but it goes a little too far, it seems to me, when it places a penalty and a punishment upon the individual who may stop his work for good cause.

Mr. TAFT. It does not do such a thing, I say with all due respect to the Senator. It only applies if a worker quits in violation of a collective-bargaining contract. The Senator never saw a collective-bargaining contract which provided that every man must continue to work.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CAPEHART. I believe I am correct in the statement that in many miners' contracts an agreement is contained that if any member of the union pulls a wild-cat strike, or a sit-down strike, or refuses to work, he is automatically fined by the union, and I think the fine has been as high as $6 a day. I think it will be found today that such provisions are contained in miners' contracts, by which they try to discipline their own members by fining them $2, or $4, or $6 a day if they refuse to work according to the terms of the collective-bargaining contract.

Mr. TAFT. Yes, I think so. Generally, this particular provision has been approved by the labor people. They feel, and I feel, that a responsible labor leader who wants to keep his contract should not be hampered by the fact that members of the union whom he cannot control put on a wildcat strike. Four or five men can tie up an entire plant—and it has happened repeatedly—if they happen to be in a crucial spot. Those are the men who ought to be disciplined if they prevent a responsible labor leader from carrying out his collective-bargaining contract.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I do not see that what may have been in some collective-bargaining contract in the past, or even at the present time, is germane to the point which is raised. We are enacting a law which is to be the basis of the rights of the people in the future whatever the contract may be. We are not shaping the rights which may arise under this statute on the basis of what may have been in an agreement between individuals. I must say that I am not deeply impressed by the fact that some of the labor leaders may want this provision. I am thinking of the individual worker himself. Must he get permission from his labor union, or from anyone else, in order to stop work for a good cause? The able Senator says that there is no such provision in the amendment.

Mr. TAFT. There certainly is not.

Mr. REVERCOMB. What is the meaning——

Mr. TAFT. That is not a violation of any collective-bargaining agreement that I ever heard of, or any that is likely to be made.

Mr. REVERCOMB. Let us read the language and see:

Any employee who participates in a strike or other stoppage of work—

If an individual stopping work is not a stoppage of work, I wish to be set right.

Mr. TAFT. The important words are "in violation of an existing collective-bargaining agreement."

Mr. REVERCOMB. I feel that that is going a little far, and that my view is correct.

Mr. TAFT. What good is a collective-bargaining agreement if people are not bound by it? If there is a collective-bargaining agreement and the men are bound by it, they ought to carry it out. If the union wants to carry it out, and some of the men say, "We will not do it," they ought to be liable. This provision applies only if the action of the individual is a violation of the collective-bargaining agreement.

Mr. REVERCOMB. Would stopping work be in violation of any collective-bargaining agreement? If it is, then we are creating a condition of slavery.

Mr. TAFT. It is not a violation of any collective-bargaining agreement that I know of.

Mr. REVERCOMB. If a man quits his work?

Mr. TAFT. If a man wants to quit work, all he does is to lose his rights as an employee, and, apparently, on the Senator's own assumption, that is what he wishes to do. He wishes to quit work.

Mr. REVERCOMB. That is correct.

Mr. TAFT. Then the penalty means nothing to him, because the only penalty is to take away his rights as an employee of that employer. So I do not see that there can be any complaint.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. FERGUSON. I think the individual rights of the individual employee are protected in this case under subsection (e) of amendment No. 1. That subsection reads as follows:

The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive, and no other legal or equitable remedy for such failure shall be available. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent—

That must be read in connection with amendment No. 3 because it is a part of the act; and if the individual employee does not engage in a wildcat strike or a wildcat stoppage of work in violation of the agreement, then he is not violating this section and there is no penalty.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I think this clause in amendment No. 1 applies to the whole act, so it would apply to this section as well as to the others.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I read the same language a few moments ago to the able Senator from Ohio. I raised the very point that is being raised here, as to whether or not it did so apply. If it is perfectly clear that the language which has been read by the able Senator from Michigan, and which was read by me a few minutes ago, does apply to the third amendment, I think the point which I have raised is clear.

Mr. TAFT. I think it clearly applies, because it applies to the entire act.

Mr. FERGUSON. It says "this act." In another part of the section it says "the penalties set forth in subsections (c) and (d)." Then subsection (e) of amendment No. 1 continues:

Nothing in this act—

Meaning nothing in the entire act—

shall be construed to require an individual employee to render labor or service without his consent.

Mr. TAFT. I have one further suggestion which I am perfectly willing to make. I am willing to have the amendment read in this way:

Any employee who participates in a strike or other interference with the performance of an existing collective-bargaining agreement—

And so forth. Would that entirely meet the Senator's point of view?

Mr. REVERCOMB. That would certainly improve the subsection.

Mr. TAFT. I ask that subsection (d) be modified to read as follows:

Any employee who participates in a strike or other interference with the performance of an existing collective-bargaining agreement in violation of such agreement—

And so forth.

The ACTING PRESIDENT pro tempore. The amendment will be modified as indicated by the Senator from Ohio.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. Does the able Senator from Ohio agree with the construction placed upon the language in the first amendment, namely:

Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

Does the Senator say that that language applies with equal force to the third amendment?

Mr. TAFT. Yes. I should say that it applies to every provision of the act, with the possible exception of a provision amending some other act. But it certainly would apply to this particular section in the act.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. Will the Senator identify the purposes of sections 8, 9, and 10 of the National Labor Relations Act, for the RECORD?

Mr. BALL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BALL. Section 8 of the National Labor Relations Act defines unfair labor practices.

Section 9 is the representation section.

Section 10 is the section under which the employee appeals to the National Labor Relations Board for reinstatement, or complains of an unfair labor practice.

Mr. VANDENBERG. I thank the Senator.

Mr. TAFT. Mr. President, it seems to me that the purpose of this amendment is clear. I believe that this supplemental measure clearly assists the performance of these contracts and permits responsible labor union leaders to avoid wildcat strikes. I hope the amendment will be adopted.

Mr. REVERCOMB. Mr. President, will the Senator yield for a moment?

Mr. TAFT. I yield.

Mr. REVERCOMB. The able Senator changed the language "or other stoppage" in one place in the first line of the subsection. Did he change it in the third line of the same subsection?

Mr. TAFT. I will change it also in the third line of the subsection, so as to read:

If such strike or interference is not ratified—

And so forth.

The ACTING PRESIDENT pro tempore. The amendment will be modified accordingly.

Mr. MURRAY. Mr. President, the proponents of this amendment have sought to make it appear beguilingly simple. It is assumed that it is absolutely necessary in the relations between management and labor. As a matter of fact, it makes the most revolutionary changes in the basic principles of labor relations.

This amendment would go a long way toward promoting industrial strife and canceling the gains which have already been made in the field of collective bargaining.

In the first place, the amendment proceeds upon the wholly unfounded assumption that labor unions frequently breach their collective-bargaining agreements and therefore should be subjected to an additional Federal sanction. But the plain fact is that not one of the major strikes in recent months was in violation of a collective-bargaining contract. On the contrary, it was an employer, the General Motors Corp., which provided during the past period the outstanding example of breach of faith by refusing to comply with an award of the President's fact-finding board. Like the universally regretted Smith-Connally Act, this amendment proceeds upon the false and insulting assumption that labor organizations require some sort of special treatment to compel them to comply with their obligations.

Moreover, anyone with even a superficial familiarity with the field of labor relations recognizes that a lawsuit never solves anything in that field. Employers and labor organizations with a bona fide desire to live in peace and harmony strive in every way possible to free themselves from legalistic technicalities. There can never be good relations between an employer and a labor organization if a lawsuit is the end product of a breach of contract. The drafters of this amendment are apparently unaware that there is a special form of redress for a breach of contract developed in the collective-bargaining agreement itself, namely, a grievance procedure. The sheer chaos which would result if an organization or an employer instead of filing grievances under the contract sued in a court for violations of the contract is incalculable. The destructive effect that resort to lawsuits would inevitably produce is so great as permanently to endanger the hope of amicable relationship between the parties. Employers and labor organizations who bargain collectively in good faith would no more think of suing each other for a so-called breach of contract than an individual would sue his wife for breach of a marriage contract simply because he had a spat with her. This amendment would reintroduce into bargaining relationships ideas and concepts that are completely hostile to effective collective bargaining. Only the employer who rejects the basic principles of collective bargaining seeks the aid of a court for the solution of his labor-relations problems.

This amendment would shackle collective-bargaining relationships by plunging them into the hostile atmosphere of the courts. But it would go farther than that. It would substitute a special Federal forum to handle contract matters which under the American system of jurisprudence have always been handled locally.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. PEPPER. In view of what the able Senator from Montana has said, I wonder whether some of those who are sponsoring this amendment are being a little inconsistent. Do not we often hear

those gentlemen speak of preserving States' rights and State control over controversies? But now are they not abandoning States' rights, and seeking to interpose Federal jurisdiction in a field which already is adequately covered in the legal jurisprudence of the several States?

Mr. MURRAY. The Senator is exactly right. I thank the Senator for the suggestion. It is obvious that they are seeking to avoid State jurisdiction because in the States the judges are elected and are subject to political review of their conduct and actions in matters of this kind. I assume the proponents of the amendment are making this special provision so as to get away from the unprejudicial local courts in connection with such matters.

In addition, Mr. President, it would usurp the right of the State to determine the conditions under which one type of unincorporated association, namely, labor organizations, can be sued.

Labor unions are unincorporated associations. As such, they are subject to all of the rules and laws which apply to such organizations.

Mr. PEPPER. Mr. President, may we have order? The Senator from Montana is making a very able presentation of this matter, and I am sure his colleagues wish to give him a hearing.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. MURRAY. Mr. President, I am not very much interested in the suggestion made by my able colleague, because I do not expect that my argument will be regarded or have any great effect when the Senate comes to vote. I merely am making a record; that is all.

As I have said, the labor unions are unincorporated associations. As such, they are subject to all of the rules and laws which apply to such organizations. Their legal status for purposes of law suits is exactly the same as that of any club, association, farm organization, business association, fraternal organization, or any similar group. No effort is made to apply similar legislation to the groups I have mentioned just now.

There is no question that all of these groups may be sued on contracts or for any other obligation. There is some variation among the States as to the exact technical requirement for such a suit. In some instances the association, whether it is a union or any other type of organization, may be sued in its own name simply by naming it as a defendant. In other instances, certain officers must be named as representatives of the organization. In all instances, the rules in the States as to how a union may be sued are not rules for unions alone, but are rules laid down in the general laws of the State governing unincorporated associations.

By their proposal, the minority members of the committee proposing this amendment would create a completely new Federal right in the United States courts. It would not create this new right as against all unincorporated associations, but it would set up a new and special court right against unions.

To realize the full implication of this matter, it should be remembered that the courts of the United States, as distinguished from the courts of each of the several States, operate under a very long-standing set of laws defining their jurisdiction. It is not possible to bring each and any case into the United States courts. It is the courts of the States which handle the main body of litigation between private citizens—issues of contract rights, personal injuries, all the items which go into the legal relationship of American people to each other. The Federal courts were created solely for the purpose of handling special matters which are appropriately in the jurisdiction of a Federal agency. Thus, suits involving rights of a citizen under Federal statute may go to a Federal court. Suits involving citizens of more than one State may go to a Federal court under appropriate circumstances.

What is the state of the law today with respect to the right to bring a suit in a Federal court for violation of a collective-bargaining agreement? The law in such a situation is identical with that affecting all individuals, corporations, or associations. Where there is diversity of citizenship—plaintiffs and defendants from different States—action may be brought in the Federal courts. Where rights under a Federal statute are involved, the matter may be brought to a Federal court. In short, where, under general law a matter appropriate for Federal jurisdiction is involved, suits under labor contracts, as under any other type of contract, may be brought in the Federal courts.

The Senators making the present proposal are not satisfied with this, however. Their proposal would take labor agreements out of the category of normal State court operations, and would make them at all times and under all circumstances a matter for the Federal courts. The proposal would create a new and special Federal right to enforce in the Federal courts the terms in a labor agreement.

This is a doctrine quite novel in American jurisprudence. When two people in the State of Pennsylvania make a contract with each other, they are subject to the laws of Pennsylvania; and any suit arising under the contract is brought in the courts of Pennsylvania. The proposed amendment would upset this rule completely, and would make a very special exception if the contract happens to be a labor agreement. In such a case, if an employer in Pennsylvania entered into an agreement with a union in Pennsylvania covering his employees, it would be a Federal court matter if any dispute arose between them as to their rights under the contract.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. FERGUSON. Is it the contention of the able Senator from Montana that this amendment, as it is drawn, gives exclusive jurisdiction to the Federal courts?

Mr. MURRAY. That is my understanding of it.

Mr. FERGUSON. I do not so understand the amendment at all.

Mr. MURRAY. Mr. President, that just shows the danger of trying to write legislation of this character upon the floor of the Senate. The amendment was modified here on the floor of the Senate just a few moments ago. It seems to me it does provide that the Federal courts in practical operation would have exclusive jurisdiction.

Mr. FERGUSON. Mr. President, there is nothing whatever in the now-being-considered amendment which takes away from the State courts all the present rights of the State courts to adjudicate the rights between parties in relation to labor agreements. The amendment merely says that the Federal courts shall have jurisdiction. It does not attempt to take away the jurisdiction of the State courts, and the mere fact that the Senator and I disagree does not change the effect of the amendment.

Mr. MURRAY. But it authorizes the employers to bring suit in the Federal courts, if they so desire.

Mr. FERGUSON. That is correct. That is all it does. It takes away no jurisdiction of the State courts.

Mr. MURRAY. Of course, they will bring all such suits in the Federal court in order to escape from the jurisdiction of the local court, which may be subject to review by the supreme court of the State and may be subject to review in political elections in the State.

Mr. WHERRY. Mr. President, a point of order.

Mr. MURRAY. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana will suspend. A point of order has been made.

Mr. WHERRY. Mr. President, I desire to call attention to rule XXXIII of the rules of the Senate. I also wish to point out that at the time when I made the point of order, a man by the name of Bragman was talking to the Senator from Washington. Under rule XXXIII, I feel that anyone who is not a clerk of a Senate committee or a clerk to a Senator should be ejected from the floor of the Senate.

I wish to stand on that point and to ask the Presiding Officer to see that those who do not comply with that rule are ejected from the floor of the Senate.

Mr. PEPPER. Mr. President, will the Senator permit me to state the nature of the gentleman's employment? He is employed by the Committee on Education and Labor, and has been working on this legislation constantly.

Mr. WHERRY. Mr. President, in reply I should like to say that Mr. Bragman is not carried upon the rolls of the Senate at all. His name does not even appear on the disbursing officer's roll. Furthermore, he has been carried as an employee of a Government agency, borrowed from the Federal Housing Authority; and even though he was borrowed from that agency to work for the Committee on Education and Labor, he has no right to contact other Members of the Senate not on the Education and Labor Committee on matters of labor legislation.

Furthermore, Mr. President, there is now in the Senate Chamber a man by the name of Kenneth Robertson, of the Department of Labor, the Secretary's representative on legislative matters. I

ask under what rule he is permitted the floor of the Senate.

There is also on the floor of the Senate, Kenneth Miekeljohn, Assistant Solicitor of the Department of Labor. I ask under what rule of the Senate he is permitted the floor of the Senate.

There is also on the floor of the Senate, Mr. Bernard Cushman, from the Solicitor's Office of the Department of Labor. I should like to ask under what rule that man is permitted the floor of the Senate of the United States.

I should like to say, further, that there has been a continuous running of these men from that corner of the Senate Chamber to the reception room, for the past 3 days—contacting different labor organization representatives, then coming back into the Senate Chamber and filtering out memoranda and statistics to Senators who are leading the fight for the so-called unions on the floor of the Senate.

Mr. President, I submitted and the Senate adopted Resolution 77 and Resolution 312. I desire to point out to the distinguished Senator from Florida that under the provisions of these resolutions, he has not reported one of these borrowed personnel of a Government agency or other organizations since the first day of April 1946. That is a violation of the provisions of the foregoing resolutions. Unless this borrowed personnel comes within the rule I have mentioned, they should not be permitted the floor of the Senate of the United States.

Upon that rule I am asking the Presiding Officer to act now.

Mr. PEPPER. Mr. President——

The ACTING PRESIDENT pro tempore. Let the Chair state: The rules of the Senate are plain. Those who are entitled to the floor, among others, are—

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

If there are persons in the Chamber who are not entitled to the privileges of the floor, the Sergeant at Arms will proceed to escort them out of the Chamber.

Mr. PEPPER. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator may not argue with the Chair. The rule is clear, and any person who is a clerk within the meaning of the rule is entitled to remain.

Mr. PEPPER. Mr. President, the Senator from Florida has no desire to argue with the distinguished occupant of the chair. But a point of order had been made, and the Senator making it was factually in error. At the proper time the Senator will be advised of that fact, and I am sure that he will be disposed, as he always is on such occasions, to correct his error. The gentleman of whom he spoke is not on the pay roll of the Federal Housing Administration, but on the pay roll of the subcommittee of the Committee on Education and Labor, and his compensation is being paid out of funds allocated to that committee. I merely wanted to make a statement of the facts before the matter was forgotten.

Mr. WHERRY. Mr. President——

Mr. MURRAY. Mr. President, I wish first to yield to the Senator from Washington [Mr. MAGNUSON]. He has been on his feet for the past 5 minutes.

The ACTING PRESIDENT pro tempore. A point of order was made. The question as to what are the facts with reference to any particular employee or attaché of any committee must be determined by some other jurisdiction. It does not arise under a point of order.

Mr. STEWART. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. Mr. President, I understood the Acting President pro tempore to direct the Sergeant at Arms to remove from the floor all persons who are not permitted under the rule to remain in the Chamber.

The ACTING PRESIDENT pro tempore. The Chair invited them to retire. The Chair assumed that they would accept his invitation. [Laughter.]

Mr. STEWART. My inquiry to the Chair is, Will the Sergeant at Arms make a report with reference to his survey, and the result of putting into force the order which was given to him by the Acting President pro tempore?

The ACTING PRESIDENT pro tempore. The Chair assumes that the Sergeant at Arms will discharge his duty, and that he will probably make a report accordingly.

Mr. STEWART. I was only wondering if there were yet on the floor any persons who do not have a right to be here?

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield to me?

Mr. BARKLEY. Mr. President, if the Senator will yield to me, I should like to say that it is time for the Members of the Senate to proceed to the other House where the Congress is to meet in joint session.

Mr. MAGNUSON. Mr. President, I send forward to the desk an amendment which I ask to have printed and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

JOINT MEETING OF THE TWO HOUSES

Mr. BARKLEY. Mr. President, I ask unanimous consent that, in accordance with House Concurrent Resolution No. 153, heretofore concurred in, the Senate proceed to the Chamber of the House of Representatives, and there meet with the other House in a joint session.

There being no objection (at 3 o'clock and 50 minutes p. m.), the Senate, preceded by the Secretary and the Sergeant at Arms, proceeded to the Hall of the House of Representatives to receive such communication as the President of the United States might be pleased to make.

(The address delivered this day by the President of the United States to the two Houses of Congress appears in the House proceedings at p. 5752.)

At 4 o'clock and 28 minutes p. m., the Senate returned to its Chamber, and was called to order by the Acting President pro tempore.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY. Mr. President, following the message of the President just delivered before a joint session of the Congress, I ask unanimous consent to introduce a bill to carry out his recommendations. I ask that the clerk read the bill, and I ask that the unfinished business be temporarily laid aside, without prejudice to its status, and that the Senate proceed to the consideration of the bill after it has been read by the clerk.

Mr. TAFT and Mr. BALL addressed the Chair.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TAFT. I object. I have no objection to the reading of the bill.

Mr. HATCH. Mr. President, may not the bill be read for the information of the Senate?

Mr. BARKLEY. Mr. President, I did not understand that the Senator from Ohio or the Senator from Minnesota objected to the reading of the bill. I coupled the two requests. I shall renew the request for present consideration of the bill after it is read.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the bill.

The bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was read by the Chief Clerk, as follows:

Be it enacted, etc.—

SECTION 1. It is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national economic structure and to the effective transition from war to peace should be promptly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any plants, mines, or facilities constituting a vital or substantial part of an essential industry, and in the event further that a strike, lock-out, slowdown, or other interruption occurs or continues therein after such seizure, then if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, the President may by proclamation declare the existence of a national emergency relative to the interruption of operations.

SEC. 3. The President shall in any such proclamation (1) state a time, not less than 48 hours after the signature thereof, at which such proclamation shall take final effect; (2) call upon all employees and all officers and executives of the employer to return to their posts of duty on or before the finally effective date of the proclamation; (3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be; and (4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities, which shall be in effect

during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

SEC. 4. (a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and such power and jurisdiction shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any lock-out, strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation thereof, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into the Army of the United States at such time, in such manner (with or without an oath) and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congres that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 10. The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. BARKLEY. Mr. President, in view of the emergency which has called for the joint session and the President's message and the introduction of the measure which has just been read, I ask unanimous consent that, without prejudice to the present status of the pending measure, it be temporarily laid aside, and that the Senate proceed to the consideration of the bill which has just been read by the clerk.

Mr. TAFT. Mr. President, reserving the right to object, let me ask what is the Senator's purpose in so requesting? Does he intend to have the bill considered by the Senate, without reference to a committee, and to have it considered on the floor of the Senate tonight?

Mr. BARKLEY. Yes; that is what I intended.

Mr. TAFT. I object.

Mr. BARKLEY. Then, Mr. President, I ask that the bill be referred to a committee.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Let me ask the Senator from Kentucky whether it would be practicable, in view of the objection, to offer the bill as an amendment to the pending bill. Then when that bill passes the Senate and goes to the conference committee, the conferees could eliminate the objectionable features and could retain this measure alone.

Mr. BARKLEY. Mr. President, I shall answer the Senator categorically by saying that the measure which has just been read deals with a temporary emergency, whereas the pending measure deals with long-range, permanent legislation which involves many matters; and no one knows how long it may take to pass such legislation.

Therefore, in my judgment it is important that the pending measure should be handled on its merits, without regard to the temporary measure which has just been recommended by the President and read to the Senate.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. Yesterday, I said on the floor of the Senate that I was willing to support whatever legislation it might be necessary to enact in order to meet the present crisis. I am willing to do that. I wonder what situation we are in. We have just listened to the address of the President of the United States; and he has called on the Congress to act, and to act now.

I think there should be a little period of time in which to permit us to study the bill. If it goes to the committee, what will be the normal course?

Mr. BARKLEY. The normal course, I assume, will be for the committee to consider it and make a report upon it as soon as possible.

Mr. HATCH. The committee could not consider it until Monday, I suppose. To what committee would it go?

Mr. BARKLEY. That is a matter for the Chair to decide.

Mr. HATCH. Mr. President, I ask the chairman of the Committee on Education and Labor how long it would take his committee to consider it.

Mr. BARKLEY. Mr. President, I do not think the Senator from New Mexico or any other Senator has a right to assume to what committee it would go.

Mr. HATCH. Mr. President, I have not assumed anything. I am asking the chairman of the Committee on Education and Labor how long it would take his committee to consider this measure and to report it back to the Senate.

Mr. MURRAY. Mr. President, if the bill is referred to the Senate Committee on Education and Labor, I, as chairman of that committee, will immediately set it down for a hearing. [Laughter.] I am sure that consideration of the bill by that committee would not be delayed.

Mr. RUSSELL. Mr. President——

Mr. BARKLEY. I yield to the Senator from Georgia.

Mr. RUSSELL. I wonder whether it is possible to have the measure which has just been read lie on the table until the next session of the Senate. It seems to me that, if the bill goes to a committee, it is likely to be stalled there almost indefinitely.

Therefore, in view of the emergency, as it appears to us, it might be well to let the bill lie on the table.

Mr. BARKLEY. In view of the objection made by the Senator from Ohio to the request for present consideration of the bill, I think it should go to a committee. If the committee delays consid-

eration of it, the Senate can, by appropriate motion and action, discharge the committee from further consideration of the measure.

I can hardly believe that a committee to which the bill might be referred would unduly delay its consideration.

Mr. LUCAS. Mr. President——

Mr. BARKLEY. I yield to the Senator from Illinois.

Mr. LUCAS. I wish to call the attention of the Senate to the fact that the measure which has just been read, with the exception of section 7, which deals with the induction into the Army of men who now are in the employ of the Government, has been thoroughly studied by a group of Senators who have been working upon legislation of this character. The bill as a whole is practically identical with the amendment which the Senator from Illinois offered on May 24 to the pending bill, House bill 4908.

Mr. President, the President of the United States, in probably one of the most important addresses which has ever been made by a President, has recommended in this emergency immediate legislative action by the Congress of the United States. Under these circumstances, I, for one, dislike to see the bill go to a committee, which will start hearings on it, as the Senator from Montana has said. It seems to me that the Senator from Georgia [Mr. RUSSELL] made an appropriate suggestion, namely, that the bill lie on the table for several hours, in order that the Senate may study it, and that the Senate stay in session tonight until we can obtain some action upon it. Mr. President, this is a matter of great and grave importance. I believe, Mr. President, the country is demanding action.

There is nothing in the measure that the Senate cannot in due course seriously consider and determine what it wishes to do before we adjourn tonight.

Mr. BARKLEY. Mr. President, if I may respond to the suggestion of the Senator from Illinois, I will say that while it may be true that the general proposal or idea carried in the bill which has just been introduced following the President's message to Congress may have been considered by groups in the Senate who have been working upon it, it has not been considered by any authorized committee of the Senate. Personally, I do not think there would be any need for hearings. In view of the objection of the Senator from Ohio to the request for present consideration of the bill, it would seem to me that the committee to which it might be referred could meet, take action, and report it back to the Senate.

Personally, I am entirely agreeable to having the Senate remain in session tonight in an effort to dispose of the pending measure, and I think it is not altogether impossible that we may do so.

The bill I have introduced constitutes a temporary expedient, in view of the emergency situation which now exists, and, in my judgment, it should be dealt with in the light of this emergency, not in the light of the permanent, long-term legislation which the President in his message today recommended that the Congress give careful consideration to, in determining its policy.

Mr. KNOWLAND and Mr. TAFT addressed the Chair.

Mr. BARKLEY. I yield to the Senator from California.

Mr. KNOWLAND. I should like to ask the majority leader, in view of the parliamentary situation with which we are now confronted, whether it might be advisable to obtain a unanimous-consent agreement to have the vote on the cloture motion go over until 1 o'clock on Monday, so that the suggestion which has been made by the Senator from Texas and other Senators—namely, that possibly this measure might be made an amendment to the pending measure—could be given consideration.

Mr. BARKLEY. Of course, Mr. President, I recognize the fact that any Senator can offer this identical bill as an amendment to the pending measure, even though it is referred to a committee or lies upon the table. I realize that from a parliamentary standpoint that can be done. But I wish to be entirely frank with the Senate. I think it would be unfortunate, in view of the emergency, to tie this proposal on to the bill we are now considering, a bill which undertakes to set a permanent pattern for labor legislation in the United States.

But so far as the matter of the cloture petition is concerned, unless it is either postponed or withdrawn, we shall be required, under the unanimous-consent agreement, to vote on it at 5 o'clock. The difficulty with postponing it until Monday is that I hope we may dispose of the pending legislation before Monday.

Mr. KNOWLAND. I will say to the Senator from Kentucky that I do not advocate that the bill which has just recently been read be attached as an amendment to the pending bill. I merely did not want to be foreclosed from having consideration being given to the proposal. I am perfectly willing to agree to have the vote on the petition for cloture go over until 1 o'clock next Monday. I ask unanimous consent that that be done.

Mr. BARKLEY. Mr. President, let me ask the Senator from California a question. In view of the unanimous-consent agreement which was reached last night with reference to the limitation on debate, is it the purpose of the Senator from California, and others who presented the petition for cloture, to insist on a vote being taken on it instead of allowing it to be withdrawn and proceed under the unanimous-consent request which has already been granted?

Mr. KNOWLAND. I believe that would depend on circumstances. At the present time I am asking unanimous consent that the vote on the cloture petition be postponed until 1 o'clock next Monday.

Mr. DOWNEY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. TAFT. Mr. President, when this program was originally presented I understood that it was desired that the bill be passed by both Houses tonight, because of the situation concerning the railroad emergency; but the situation, as it now exists, with reference to the railroads certainly makes it no longer essential that the bill be passed tonight.

With reference to the coal situation, I believe that the Smith-Connally Act, which imposes criminal penalties on any leaders who undertake to call a strike in the coal mines, still applies. So the emergency is not the same with reference to coal as it is with reference to the railroads.

Therefore, Mr. President, I believe that the bill which has been so recently introduced should pend until the pending bill is disposed of, which I hope will be tonight, or that it be sent to a committee from which the Senate will later receive a report. It seems to me that there is no emergency which now requires that the bill introduced by the Senator from Kentucky be passed tonight. That is why I objected to the Senator's request.

Mr. BARKLEY. In view of the fact that the men have been ordered back to work, or have agreed to go back to work, the Senator's position contains merit. We do not yet know under what terms the men have agreed to work. I do not know what are the terms or conditions under which they have returned.

Mr. TAFT. They returned under the President's terms, as I understand the situation.

Mr. BARKLEY. Yes; that information evidently came to the President while he was delivering his address.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I wish to state that in my judgment—and I state it with great humility—the bill which has been proposed is one of the most technical and far-reaching legislative proposals that has ever been presented to the Senate of the United States. For the past 10 days Senators have been working 12 and 15 hours a day. We are now at the conclusion of a hectic and tiring week. But it is claimed that we have the clarity of intellect and understanding to pass on this most complicated and serious measure in a few hours' time. I think such a proposal is tragically wrong.

I notice the bill contains a provision which might at the whim of the President pass this Nation into socialism overnight.

Moreover, Mr. President, let me say that the bill contains a provision by which officers of corporations who may have resisted the strike, may be drafted into the Army and taken from their families and the communities in which they reside, and compelled to work for the same salary which enlisted men receive.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. There are remaining only about 7 minutes before we shall be required to vote on the petition for cloture. Although I did not sign the petition, and have not been in conference with the Senators who drafted the amendments, I wish to appeal to the signers of the cloture petition to withdraw it. I wish to appeal to them from

their own standpoint. Many amendments are still pending. Some of them are very complex and important. Under the cloture rule only 1 hour will be allowed each Senator to speak on the bill and all the amendments. Even the proponents of the amendments would soon find themselves without sufficient time adequately to present them or explain them to the Senate before it would be necessary to vote on them.

Mr. President, I have been through one cloture situation, and I know whereof I speak. In view of the position taken by the majority leader, I am unable to see any parliamentary advantage which the proponents of the petition for cloture would now lose.

In order that we may not get into a ridiculous situation which would bring the Senate into contempt for the manner in which it had passed upon vitally important matters relating to the existing problem of industrial labor relations, I appeal to those who filed the petition to withdraw it, in view of the fact that an agreement has been reached with reference to limitation on debate, under which the debate will be closed within a reasonable length of time.

Mr. KNOWLAND. Mr. President, if the Senator from Kentucky will yield to me, I will say to my distinguished colleague from Wisconsin that it was for the reason which he has stated that I requested unanimous consent to have the vote on cloture postponed until next Monday. However, in view of the parliamentary situation, and in view of the grave national emergency with which the country is now confronted, I ask unanimous consent to withdraw the petition for cloture.

Mr. PEPPER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BARKLEY. Mr. President, if I still have the floor, allow me to appeal to the Senator from Florida, and to any other Senator who might object to the withdrawal of the petition for cloture. I may say to the Senator from California and to other Senators, including the Senator from Florida, that while I did not sign the petition for cloture, it is and has been my purpose to vote for it if the question is put before the Senate for a vote. Without regard to the merits of the pending bill, and without regard to whether I am in favor of it or against it, I have always believed that when debate on a pending question has been sufficient, I should be willing to vote for a closing of the debate. That is all that cloture means. It means closing the debate. When the debate is closed every Senator will then have the right to speak 1 hour on the bill and the pending amendments to the bill.

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I will yield in a moment.

Mr. HATCH. I wish to ask a question.

Mr. BARKLEY. I will yield to the Senator later.

Mr. President, in view of the unanimous-consent agreement which was reached last night, that no Senator shall speak longer than 30 minutes on the bill or any of the amendments to the bill—and that is almost the same as cloture—it seems to me that the Senate should permit the withdrawal of the petition for cloture so that we may proceed under the unanimous-consent agreement to dispose of the pending bill.

I now yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, I merely wish to ask the Senator——

Mr. BALL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BALL. If the motion for cloture is defeated, will the unanimous-consent agreement with regard to limitation on debate still be effective?

The ACTING PRESIDENT pro tempore. The unanimous-consent agreement would still prevail.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. Are amendments now in order to the pending bill?

The ACTING PRESIDENT pro tempore. They may be offered, printed under the rules, and lie on the table.

Mr. McCLELLAN. I send forward to the desk an amendment, and I ask unanimous consent that the reading of it be waived.

Mr. BARKLEY. Mr. President, what is the unanimous-consent request?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas has sent forward an amendment and has asked unanimous consent that the reading of it be waived. The reading of all amendments is waived under unanimous consent.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. If it should be impossible to secure unanimous consent to withdraw the petition for cloture, I suggest that we merely vote down the petition. Although I signed it, I shall vote against it.

Mr. HATCH. Mr. President, the Senator from Kentucky had yielded to me, and I was attempting to make a statement. I was interrupted by many parliamentary inquiries. However, what the Senator from Ohio has just stated is what I was about to suggest. If the Senator from Florida insists upon his objection to the voluntary withdrawal of the petition for cloture, those of us who signed it should vote against it.

Mr. BARKLEY. Of course, in view of the parliamentary situation, that is a matter which may appeal differently to different Senators. While I would vote for cloture under ordinary circumstances, in view of the unanimous-consent agreement which was reached last night, and the effect of which would be practically the same as that of cloture, it seems to me that if the signers of the petition for cloture may not be permitted to withdraw it there is no purpose in debating it, because we have practically the same advantage under the unanimous-consent agreement.

Mr. LUCAS. Mr. President, I think the Senate should know what the House is doing with regard to the legislation which has been recommended by the President of the United States. It is my understanding that the House is now considering such legislation, and that not later than 7 o'clock tonight they expect to have a final vote on it.

Mr. ANDREWS. Mr. President, I should like to make a short statement and offer an amendment.

The authority to operate vital semigovernmental public utilities such as telephone, telegraph, lighting, heating, water supply, and transportation is granted under special permit issued only by officials acting under special Federal, State, or municipal statutes. Their operation is not a privilege or right conferred on capital or labor to be exercised at will and without regard for vital necessities of health and convenience of the public. The public pays the cost of operation—not the employers or employees. No employer or employee nor combination of persons has the legal or moral right to hazard or imperial the health, life, and vital convenience of the public in the uses of such utilities by lock-outs or by strikes enforced by picketing which by common knowledge has become a symbol and threat of a breach of the peace by violence against not only nonunion employees but against union employees as well.

Our citizens now have no protection against disastrous strikes and threatened violence of the picket lines except violence in kind, and no sane American will deny that the employers and employees have a lawful and inherent right to go wherever their ordinary duty calls them as free American citizens without threat or hindrance. Deprived of that right, there is little else worth having.

We should, therefore, amend our laws by establishing courts of arbitration and award in every Federal judicial district with ample judicial powers to try all issues presented by parties to industrial disputes in like manner and in the American way as other civil issues arising between citizens, organizations, or corporations are tried whereon final judgments are entered, with the right of appeal without delay by either side. In such tribunal all necessary records properly admissible in evidence would be obtainable under proper process of the court.

Such final courts of arbitration would be what is termed in Federal jurisprudence as a "three-judge court," and would be evoked only after collective bargaining and those conciliatory remedies provided by the Department of Labor and other established labor tribunals shall have failed. In plain terms, if the States and Federal Government have the authority to grant the right to operate these utilities it must follow that the suffering public must, through its courts, necessarily have effective and expeditious recourse under law to require proper operation of these vital utilities. We are now faced with the awful experience of seeing our rights to the use of these public facilities blotted out.

There is a fifth freedom which is more vital in the life of our citizens and their families than either of the "four freedoms" usually stressed by officials,

writers, and commentators. That fifth freedom should be added to our Bill of Rights and submitted to the States by Congress for ratification; and, in substance, should provide as follows:

That the inherent right of a citizen to work and bargain freely with his employer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by any Federal, State, or municipal law or by any corporation or organization of whatsoever nature.

This essential right was not originally set forth as part of the Bill of Rights of our Constitution for the obvious reason that the right of a citizen to freely sell his labor on terms agreeable to him and his employer was deemed to be inalienable and inherent in the maintenance of liberty and life itself. It could not be conceived that any American could be forced into or forced out of any organization or union to make him eligible to obtain employment.

No citizen can lawfully be compelled to labor against his will and by the same token no citizen can against his will lawfully be prevented from working in any lawful business. This proposed amendment could in no wise abridge the constitutional right of the people to peaceably assemble to redress grievances by petition. It carries out the legal axiom that the right to infringe upon another's fundamental right ends where the latter's begins.

No minority group, nor combination of minority groups acting by force or threat has the right to intimidate or dictate the destiny of the people of the United States. The Government of the people, by the people, and for the people does not mean nor will ever mean a government of the people and for the people by one-tenth of the people.

No law-abiding corporation, nor organization or group or union should object to having the issues in controversy between them tried before our courts as like issues are tried between other organizations, corporations or groups after our regular methods of arbitration and conciliation have failed.

It is essential in our America that after all reconciliatory methods of settling serious controversies between people or corporations or groups have failed that we must rely upon our courts. The verdicts and decrees of our courts are obeyed. Otherwise we do not have a Government of the people, by the people, and for the people. Our courts are our final resort. The domestic chaos with which we are now confronted was brought about by the failure of industry and the labor unions to agree through the concilliatory methods heretofore provided by law. Ours is a government of laws and not of men.

I now offer the amendment and ask that it be considered as having been read in accordance with the order which has been made.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. ANDREWS is as follows:

On page 9, beginning with line 8, strike out all down to and including line 17 and insert in lieu thereof the following:

"SEC. 7. (a) In the event a dispute is not settled by collective bargaining or by mediation under section 6, the Chairman shall require the parties to the dispute to submit their differences to arbitration.

"(b) The Board shall establish such adjustment panels as may be necessary for the adjustment of labor disputes. Such adjustment panels may be established on a regional basis or an industry basis, or both, and each such panel shall have jurisdiction with respect to labor disputes to which this section is applicable in such region or in such industry or industries as may be prescribed by the Board. The members of each adjustment panel shall be selected by the Board. Each such panel shall consist of one or more representatives of employers, an equal number of representatives of employees, and one or more members, officers, or employees of the Board. The Board may authorize any member of the Board to serve on any adjustment panel at any time in place of any officer or employee of the Board who is a member of such panel. Members of such panels who are representative of employers and employees shall not receive any compensation from the United States, but no provision of law prohibiting officers or employees of the United States from receiving compensation from other sources shall be deemed applicable with respect to such members.

"(c) The Board shall from time to time adopt, amend, and rescind such rules and regulations as may be necessary for governing adjustment panels in the exercise of their functions. The Board shall provide for adjustment panels such stenographic, clerical, and other assistants and such facilities, services, and supplies as may be necessary to enable such panels to perform their functions.

"(d) Whenever a labor dispute arises between an employer and employees, such dispute may be referred by petition of the parties or petition of either party to the appropriate adjustment panel with a full statement of the facts and all supporting data bearing upon the dispute. If such panel finds that the dispute so referred to it is within its jurisdiction, it shall proceed to consider such dispute. Parties may be heard either in person, by counsel, or by other representatives, as they may respectively elect, and the adjustment panel shall give due notice of all hearings to the parties involved in the dispute. Any panel may empower three or more of its members to conduct hearings and make findings upon the dispute, at any place designated by the panel, but final decisions as to any dispute must be made by a majority vote of the entire panel. Each adjustment panel shall deliver a written opinion in respect of each dispute referred to it, setting forth its decision as to the respective rights of the parties and requiring the parties to take such action as the panel deems just and equitable. The decision of the panel shall be transmitted to the Board; and if the Board finds that such decision was made in accordance with the provisions of this section, the Board shall issue an order requiring the parties to the dispute to comply with the requirements of such decision.

"(e) If either party to a labor dispute does not comply with such an order of the Board, any party to such dispute or any other person for whose benefit such order was made may, at any time within 2 years from the date of the order of the Board, file in the appropriate district court of the United States a petition setting forth briefly the causes for which he claims relief, and the opinion of the adjustment panel and the order of the Board in the premises. Such suit in the district court shall proceed in all respects as other civil suits, except that on the filing of such suit the findings and opinion of the adjustment panel shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings, unless they accrue upon his appeal, and such costs shall be paid out of appropriation for the expenses of the courts of the United States. If the petitioner finally prevails in such suit he shall be allowed reasonable attorney's fees, to be taxed and collected as part of the costs of the suit. The district courts shall have jurisdiction to make such orders and to enter such judgment as may be appropriate to enforce or modify or set aside the order of the Board."

The ACTING PRESIDENT pro tempore. The hour of 5 o'clock having arrived, pursuant to the order of yesterday, the Chair lays before the Senate a motion to close debate on H. R. 4908, and directs the Secretary to call the roll for a quorum, under the rule.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Austin	Hickenlooper	Pepper
Ball	Hill	Reed
Barkley	Hoey	Revercomb
Brewster	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Eastland	McMahon	Tobey
Ellender	Magnuson	Tydings
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	Myers	Wilson
Hatch	O'Daniel	Young
Hawkes	O'Mahoney	

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

The question is, Is it the sense of the Senate that the debate shall be brought to a close on H. R. 4908, a bill to provide additional facilities for the mediation of labor disputes, and for other purposes? The clerk will call the roll, the rule requiring that the question shall be determined by a yea-and-nay vote.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also wish to announce that if present and voting the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from South Carolina [Mr. MAYBANK] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The roll call resulted—yeas 3, nays 77, as follows:

YEAS—3

Johnson, Colo.	Pepper	Wilson

NAYS—77

Aiken	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hickenlooper	Reed
Barkley	Hill	Revercomb
Brewster	Hoey	Robertson
Briggs	Huffman	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Eastland	McMahon	Tobey
Elender	Magnuson	Tydings
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	Myers	Young
Hatch	O'Daniel	

NOT VOTING—16

Andrews	Carville	Maybank
Bailey	Chavez	Radcliffe
Bankhead	Downey	Tunnell
Bilbo	Glass	Willis
Bridges	Gossett	
Butler	McKellar	

The ACTING PRESIDENT pro tempore. On this question the yeas are 3, the nays are 77. Two-thirds of the Senators present not having voted in the affirmative, the motion is not agreed to.

Mr. BARKLEY. Mr. President, I think the Senate should be advised that today the House of Representatives adopted, with only 4 dissenting votes, I believe, a rule under which they were authorized to consider immediately whatever recommendation the President might make with regard to the present situation. In accordance with that rule, they now have under consideration a measure which is a companion to the bill which I have introduced. In all likelihood that bill will be passed by the House and messaged over to the Senate shortly. I understand they have only a short time remaining for debate. It seems to me to be wise, under the circumstances, that the bill I have introduced be referred to a committee, and in view of the fact that the Railway Labor Act, which is now on the statute books, was reported in the House of Representatives by the Committee on Interstate and Foreign Commerce, and in the Senate by the Committee on Interstate Commerce, the bill should be referred to the Committee on Interstate Commerce.

I believe that if it were referred to that committee, the committee could meet and act upon it with such recommendations as it might see fit to make, without any delay whatever. I feel impelled, therefore, to ask that the bill be referred to that committee, with instructions to the committee to report forthwith with whatever recommendations it wishes to make concerning it.

Mr. McCLELLAN. Mr. President, can it not be considered as an amendment to the pending bill?

Mr. BARKLEY. That would not change the situation so far as the course that ought to be pursued.

Mr. McCLELLAN. It can be considered in connection with the pending bill?

Mr. BARKLEY. Yes, it is legitimate to offer it as an amendment to the pending bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. As I understood the suggestion of the majority leader, it was that the bill be referred to the Committee on Interstate Commerce of the Senate to be reported forthwith. I think the reference is a proper one for legislation of this character. But if the language is to be continued in the request to the effect that the bill be reported forthwith I do not see any object in referring it to the committee at all. If it is to be referred to the committee, I do not see why the committee is not under obligation to give it some study and report it to the Senate so the Senate may have the benefit of such weight of judgment as the committee has. I should like it a good deal better if the request were that the bill be referred to the Committee on Interstate Commerce with instructions to report it at 1 o'clock on Monday or some other date certain. I, myself, do not believe that anything of tragic consequence is going to happen immediately.

I must say, while I am on my feet, that I applaud the speech the President made last evening. I applaud the spirit of his talk to the joint session of Congress today. So far as I can, I want to contribute to carrying out the spirit of his recommendations. But I do not like to go through this shadow-boxing of sending a bill to a committee with instructions to report it forthwith. I would rather not have it go to committee at all, and have the request made that we proceed to its consideration here on the floor without reference to a committee, than to go through such dubious process of sending it to a committee.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Maine has said. "Forthwith" does not mean within the next 10 minutes. It does not mean that the committee should not consider the language of the bill and recommend any change or amendment that it might see fit to offer. But it does mean that we would get prompt action by the committee, and, I hope, prompt action by the Senate.

In view of the situation, I do not believe there is anything that could give the country more reassurance than for us to deal promptly with this emergency; not to delay it until Monday, or to any other day, but that we deal with it quickly, because, as I said, the edge has been taken off the emergency by the agreement of the men to go back to work, we do not know under what conditions, or what restrictions or reservations. We have not received that information as yet.

I would be willing to modify my request that the committee report it at the earliest practicable hour.

Mr. WHITE. That would soothe my feelings quite a bit.

Mr. BARKLEY. I modify my request to that extent.

The ACTING PRESIDENT pro tempore. Without objection, the request of the Senator from Kentucky, as modified, is agreed to.

The bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace was read twice by its title and referred to the Committee on Interstate Commerce, with instructions to report on the bill to the Senate at the earliest practicable hour.

Mr. WHEELER. Mr. President, in view of the fact that the bill has been referred to the Committee on Interstate Commerce I make the announcement that I will ask the committee to meet immediately in the Interstate Commerce Committee room on the gallery floor of the Senate.

Mr. DOWNEY. Mr. President, I will detain the Senate only for 3 or 4 minutes, merely to complete the statement I started to make on the floor a few minutes ago. I reiterate, that I think it is most unfortunate that on this vital, complicated, and far-reaching legislation we should allow ourselves by hysteria to be forced into action in a few hours. As I run through the bill I note serious constitutional questions and many serious difficulties of interpretation.

Let us consider, for example, one point. There is a provision on page 4, at the beginning of section 6, which reads as follows:

> Any affected employee who fails to return to work on or before the finally effective date of the proclamation—

May under later provisions be drafted into the Army. Is such a provision constitutional? I doubt it. Would public sentiment permit enforcement? I doubt it.

Now suppose the bill were enacted into law. Then suppose a man who leaves his employment returns for 24 hours, and then leaves his work again. Can he then be drafted? Is a provision in the bill which would give the right to draft into the Army any officer of any corporation who resisted the strike constitutional? I think not. Oh yes, I know that in wartime anyone can be drafted. But can we make legal a punitive statute directed at men who strike and then punish an officer of a corporation who does not want to strike?

I think we should pause to ask how this law will be regarded in the Nation—a law so harsh and stern that in the hands of a bad president it might become an instrument of tyranny. Oh yes, I know that President Truman is one of the kindest and most patient of men. But that does not allay my fears.

As I understand, the railroads would not be taken over under the Selective Service Act, but under a prior act, and under that act, I think of 1916, Congress

has no right to declare the termination of hostilities and the return of the property to the owner. In this bill that power is left solely to the Executive. Does Congress desire to deprive itself of being a check upon the Executive in that respect?

Mr. President, the bill is full of innumerable technicalities, constitutional questions, and questions of serious fundamental rights.

Mr. PEPPER and Mr. MILLIKIN addressed the Chair.

Mr. DOWNEY. I yield to the Senator from Florida first, after which I will yield to the Senator from Colorado.

Mr. PEPPER. Mr. President, does the Senator recall in recent history, in wartime or in peace, a measure of such drastic character as the bill which has been recommended to us?

Mr. DOWNEY. No. I answer that question in the negative. As far as my own judgment is concerned, this particular measure would represent a far-reaching and serious departure from any prior American jurisprudence. Some of you may think we must pass this legislation. But I say we should do so only after calm and dispassionate consideration, and not in the heat of hysteria and prejudice at the end of a long and tiring week.

Mr. MILLIKIN. Mr. President, will the Senator now yield?

Mr. DOWNEY. I yield.

Mr. MILLIKIN. I should like to congratulate the Senatar for his courage in standing against the excitement which prevails at this moment. I should like to congratulate him for raising the point he has raised. I certainly think it deserves most serious consideration, and I hope he will continue to expand on it so that we may understand every one of its implications. I shall discuss the subject a little later.

Mr. DOWNEY. Mr. President, I appreciate that statement, coming from one of the most distinguished lawyers this body has ever had.

Mr. TAFT. Mr. President, I also desire to compliment the Senator from California [Mr. DOWNEY] with reference to his position in connection with the drastic measures the President has just proposed to deal with present emergency labor problems. I think the bill is exceedingly doubtful. I think I shall vote against it. It seems to me that it violates every principle of American jurisprudence. I would consider passing such a bill for a particular emergency; but if the emergency is over, we should consider every feature of the bill. Certainly the program which has been objected to as being too hastily considered, and written on the floor (as the Case bill), is mild and reasonable, and has had years of consideration, compared with the proposals which are made in this bill of President Truman. If the administration itself, and those who to some extent have represented it have opposed the other legislation on the ground that it was being put through too fast and without consideration, it seems to me that every administration Senator who has opposed the other measure should oppose this bill. I cannot understand the position of the distinguished Senator who is the leader of the majority in taking so contradictory a position on this bill from that which he has taken with respect to the other measure.

Mr. DOWNEY. I appreciate that statement.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MILLIKIN. I hope the distinguished Senator will point out the legal implications involved in denying a man's vested seniority which he has acquired without reference to the particular dispute, and because of a lifetime of devotion to his employment.

I hope the Senator will point out that there is no limitation whatever on the kind of businesses which might be seized under this bill. I hope the Senator will further expand on the point which he raised a while ago, as to the obvious defects and dangers in the paragraph relating to putting the profits of a seized business into the Federal Treasury.

The bill is full of questionable provisions and some which I believe are fatally defective, and I think it would be a tragedy to proceed in an excited and hasty fashion with such issues at stake.

Mr. DOWNEY. I thank the distinguished Senator.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. PEPPER. I cannot but share to the very depths of my heart the sentiments which have been expressed by the able Senators who have expressed themselves on this measure. I believe that this is going to be a moment to which we shall not look back with pride. It comes the nearest to being the indication of a willingness on the part of the duly constituted democratic body of this Government to abandon democratic principle and protection that I have seen in my public career.

Mr. President, this measure gives to the President of the United States, as an individual, an arbitrary and unreviewable power to take over practically any business in the United States; and when he singly exercises that responsibility he practically makes it impossible for the citizenry of this country affected by that enterprise to preserve their constitutional rights. President Roosevelt led this country through the most dangerous war it has ever experienced, and never had the necessity of asking Congress for such a denial of civil rights. President Roosevelt never asked such drastic legislation under the dire stress of calamity and war. I cannot believe that in peacetime, after victory, we shall yield up the democratic constitutional rights of the citizenry of this country because we have an unrestrained animosity against certain of the working men and women of the United States.

I venture with all kindliness to predict, Mr. President, that the President of the United States has been imposed upon by his counselors, and that he will live to see the day when he will regret that he made to this Congress the recommendation for the passage of this measure. I would give my seat in the Senate before I would support such a measure.

[Manifestations of applause in the galleries.]

Mr. DOWNEY. Mr. President, I do not rise at this time to attempt to discuss the merits or demerits of this bill, because my intellect is not sufficient. I have only heard it read, and my humble intelligence would require at least 2 or 3 days properly to analyze the bill, so far as I am capable of doing it. So I have no intention of making an argument at this time unless, of course an attempt is made to force the bill through in the closing hours of this night.

But I wish to suggest another technicality of many which might arise under the proposal. Suppose that a veteran of our wars were drafted into the Army under the terms of this bill. Would he forfeit his GI rights? He would again be in the Army. What would be his status as a veteran? Perhaps we do not care about that. Perhaps it is not important. Perhaps it is a detail that no one else cares to worry about, but at least I should like to know what the law would mean.

Mr. President, there are so many intricate and important questions involved in the bill that I pray that we shall postpone consideration of it until sometime next week, and then calmly, judiciously, and dispassionately work out the kind of a bill that we believe would be for the public welfare.

In that connection, at the very time when the President presented this proposal to the Congress, he stated to us, if I understand the English language, that the very crisis which had prompted this extreme proposal had passed away, and that the railroad men of America, in deference to his request, were again operating the railroads of this country.

Mr. President, I have long had for the railroad men of America and for their leaders and organizations a deep and abiding respect. I thought it was unfortunate that they were led out upon this strike. But now, upon solicitation of their Chief Executive, they have returned to work. They have shown sufficient tolerance and forebearance to admit a mistake, and are now attempting to right it. I pray that we in the Senate will not in turn be led into prejudice and mistake in this fateful hour of the Nation's history. If we pass a bad bill that will be most unfortunate; if we act in passion and excitement that will be calamitous. I pray we shall not.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was read twice by its title and referred to the Committee on Interstate Commerce.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. MORSE. Mr. President, I wish to make a very brief comment on the issue which is before the Senate. I wish to commend the Senator from California for his outspoken and forthright statements on the emergency bill which has been proposed for immediate passage by the Senate.

As I stated on the floor of the Senate 2 days ago, the right to strike is not an absolute right, but only a relative right. It is a right which we have the right to expect American labor leaders to use in a manner which does not jeopardize the public welfare. As I stated 2 days ago, there is no doubt about the fact that these major disputes, and particularly the disputes on the railroads and in the mines, involve an abuse of labor's obligations to the public welfare in this critical hour, and that therefore it is the duty of the Congress of the United States to support the hand of the President in seeing to it that necessary executive power exists to meet any challenge to government, be that challenge issued by labor or by any other group. I am still ready to support the hand of the President, giving to him such power as he may need to meet such an emergency; but, as I stated over the radio within 5 minutes after his speech, and now repeat, the power that he asks for in this bill is a power so unnecessary to meet the emergency and so dangerous to a perpetuation of freedom in this country that I cannot under any circumstances vote for the bill in its present form.

As I stated over the radio, I think the time has come for this Congress to calm down, deliberate, and exercise some rational judgment on the legislation which is before us for passage. I believe that when the history of this day is reviewed in the calmness of future events there will be many who will recognize that it is true that great haste and bad judgment prevailed in the Congress of the United States in this hour of crisis.

I make just two comments on the proposed bill. One provision, for example, seeks, during the time of governmental seizure of plants, mines, or railroads, or other properties, to place in the United States Treasury such profits as are made by the Government from its operation of the private property of others.

Mr. President, we had that type of problem before us on the War Labor Board in innumerable cases during the war, when it became necessary for the Government to seize the property of American employers because of the fact that groups of labor were violating the no-strike pledge. Senators will remember the criticism we received over the seizure policies of the War Labor Board. One of the criticisms with which we were faced was that it did not seem to make any difference from the employer's standpoint whether the employer or labor violated the no-strike, no-lock-out agreement because the employer lost control of his property in either event. Thus, if the employer violated the no-strike, no-lock-out agreement, his property was seized. If labor violated the no-strike, no-lock-out agreement, the employer's property was still seized, and he was bound to lose, irrespective of who was at fault in the case.

To me the seizure policy of the Board worked a great injustice upon American industry. Let the records speak for themselves. I protested the policy of the Board, and I led, on the Board, the movement to insist that when the Government seized property belonging to employers, not because of fault of the employers but because of a violation of the no-strike, no-lock-out agreement on the part of labor, the Government should move in to protect employers' rights—that is, I argued the Government's duty was not to take away the property rights of the employers—not to seize their property in the sense that it amounted to confiscation of the employers' property because of labor's failure to obey the no-strike agreement. Yet, unless I read this bill awrong, what is going to happen now in an emergency?

Irrespective of who is at fault, irrespective of whether the cause of the emergency is a strike by labor that never should have been called, a strike which would be an abuse of labor's relative right to strike, it is proposed that the Government step in and seize the property of the employers concerned, and that any profits that are made during the time of seizure shall go into the Treasury of the United States. If that is not confiscation of property rights, then I do not know what that term means in the American law. It is grossly unfair to the employers who own the property involved in such an emergency.

Let us take another case. Of course, if we have to pass bills which provide for seizure, the Government ought to go to protect the property rights of the employers. Management ought to be kept behind its desks to the maximum extent possible, and should be protected by the Government in its operation of its property, during the period of Government seizure. That is the policy which finally came to be adopted by the War Labor Board, Mr. President. There are men in high position, as advisers to the President, in the White House now, who are well aware of the argument which took place on this issue, and some of them joined in my position to see to it that, under seizure, where labor was at fault, the property rights of employers would not be destroyed. That became the policy of the Board after the arguments were presented at the White House itself, and I was sustained in my position. Under that policy management received financial protection during the period of seizure by the Government.

There is another feature of this measure, Mr. President, which I do not see how we, the representatives of a free people, can possibly adopt. That is the suggestion that we shall attempt to settle labor disputes in time of emergency by saying to men who, even though they suffer a lapse of good judgment, even though they abuse the relative right to strike, quit their work, "We will force you, nevertheless, to work, by putting the uniform of your country upon you, and we tell you that under the orders of the Army you shall turn the wheels of American industry." In the first place, Mr. President, I say that would be an insult to the uniform they would wear. In the second place, I say it would be in violation of what I consider to be some very basic concepts of American freedoms and individual rights.

At a later time I shall be willing to defend that premise, after I have had an opportunity to check authorities upon which now I can give only a curbstone opinion.

I wish to say, Mr. President, that in my judgment the proposal to force men to work by blanketing them into the Army goes a long way down the road toward involuntary servitude. It is a misconception and a misinterpretation of the power of the Government under our Constitution to draft people in the interest of the national security. Mr. President, I do not charge a very harassed President, today, a man whom I admire a great deal, with deliberately advocating principles which cannot be reconciled with basic principles of freedom and liberty in this country. But I say that the result of the industrial draft provision in this measure will be so dangerous to the perpetuation of our American free system that I am not going to vote for it, because I believe there are so many other avenues on which we can travel in solving this problem, without adopting any principle of involuntary servitude. It is a dangerous principle to establish in the American law, even for an emergency period, insofar as its application to industrial strife is concerned.

Mr. President, I think we have today been adopting a great deal of legislation which is going to have very serious and bad repercussions on the industrial life in the United States in the years immediately ahead. I think some basic rights of free labor have been shattered today. As I said the other day, I know there is nothing that can stem the tide of this antilabor typhoon that has struck the Congress. Labor must assume its fair share of responsibility for it. We must get it behind us. But I believe we must get ready to clean up the debris. That is why I repeat now a proposal which I have heretofore made; namely, that we should immediately start, by means of a special Senate committee, to make investigation of all the facets of American labor and industrial problems, so that when we reconvene after the summer recess we can really write a labor code. Of course, we are going to have labor legislation; we are going to have to write a labor code. Labor has come of age, and it is going to have to expect to assume more responsibilities and additional obligations, in return for the privileges and the rights which have been granted to it. But let that code rest upon a very thorough analysis of existing causes of labor trouble in the United States.

In my judgment, Mr. President, that is why we need to have the Senate make a study of union and employer practices and policies. Today we adopted an amendment—I did not have an opportunity to speak on it at the time, because of the limitation of debate—which ought rightly to be labeled "the strike-first-mediate-afterwards amendment." I say that because the first amendment we adopted this afternoon, as has been

pointed out in the RECORD, has no application whatsoever to any labor union that decides to strike first and then afterwards see what the employer wants to do by way of mediation. Instead of preventing strikes, it will be a great inducement for strikes.

Mr. President, let the proponents of the amendment say, as they have said, "You do not have as high a regard for labor leadership as we do; when you suggest that that is what they might do." Well, Mr. President, I am at least a realist. At least I know that when men feel that injustices are being done them and when they feel that their Government is seeking to impose upon them the obligation of spending another 60 days in mediation, during which time the employer can use union-weakening strategies and tactics, not the least of which will be stalling, to their embarrassment, and creating other difficulties for them, many unions under such circumstances will strike first, rather than have the amendment which was adopted today placed upon them as a handicap for a quick settlement of their disputes.

The other day I pointed out in my discussion of this legislation that there are a good many labor situations in which it would be impossible for the most conscientious of labor leaders to hold his men in line for 60 days, when they feel that the conditions of employment have become so intolerable that they want action much quicker than it can be provided for them under the amendment. Under such circumstances they will drive those leaders into a strike first. They will demand immediate action or get new leaders.

Furthermore, Mr. President, it should be pointed out that under most circumstances unions which would mediate anyway do not need the amendment; we simply do not need the amendment for them. All it will serve as will be a red flag. It will create a feeling that, once again, the employers, through legal machinery, have maneuvered themselves into a position more powerful than the one the unions are able to enjoy. It will give rise again, as so many of these amendments will do, to tremendous litigation.

Mr. President, let me tell you that one of the criticisms that will be made of this legislation, and I think it is a good criticism and a sound criticism, is that underlying this legislation—whether intentionally or unintentionally is immaterial—is the strategy of driving labor and its representatives into litigation, constantly keeping them in turmoil by bringing one type of legal action after another against the union.

You know, Mr. President, there is no more effective way to destroy the confidence of a group of men in their leaders than for those men to find their leaders, or their union through their leaders, constantly in court. It does not take very long before "the old grapevine" through the union, as we say, will spread the charge, "Well, what is the matter with our leaders? Cannot they keep us out of court? What are they always getting us into litigation for? Why is our treasury kept poor because of one case being brought after another?"

Mr. President, some of the legislation which we are asked to pass today would give to the employers of this country—I believe they represent a minority, but, nevertheless, they happen to be employers who are constantly carrying on antilabor union activities—additional weapons with which to slow up the entire procedure of voluntary settlement of labor disputes.

Mr. President, I assert that it it will not work. We will eventually come out of the present emergency. This type of revengeful legislation will satisfy that part of the public which has not stopped to analyze some of the fundamental principles involved in the problem. It will satisfy those who are sending me so much smoking mail, demanding that we do something to put the workers in their places, and overlooking the fact that in those very letters they are advocating principles which, if applied to them, would jeopardize some of their very precious liberties. Industry and the public will in the long run suffer more than labor from this legislation of revenge.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MORSE. Because of the limitation of my time, I cannot yield. I am sorry. I decline to yield until I complete my remarks. Then, if there remains any time before the vote is taken, and any Senator wishes to ask me questions, I shall be glad to attempt to answer them.

Mr. HICKENLOOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HICKENLOOPER. I wished to inquire if we were discussing the pending bill?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Ohio as modified.

The Senator from Oregon.

Mr. MORSE. Mr. President, I believe it to be very important that some of us, impolitic as it is—no one recognizes more than I do how impolitic it is in this hour—should stand up and speak out against the passage of the various pieces of antilabor legislation which have been proposed on this floor, and which are now pending. I am perfectly aware of how impolitic my stand on this matter is. But I happen to be one who does not believe that it is at all important that I shall remain as a Member of this Senate for any great length of time. It is important, however, so long as I occupy the chair in this Senate which I now occupy as a Member of this great body, for me to be absolutely certain that I exercise my voting rights in accordance with what I believe to be my obligation in protecting the fundamental rights of the people of this country. In attempting to protest those rights, Mr. President, I am also protecting rights of generations who will be affected by any mistakes we make here.

Therefore, I shall not be swept along with the tide which seeks to have me vote for the type of legislation which has been already voted for by the Senate this afternoon. I would much rather retire to the pleasant life of a lawyer in the practice of law than remain in the Senate and feel that I should vote for the kind of legislation which is being adopted today and vote for it merely for political reasons or because of the public pressures of the moment.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. MORSE. Mr. President, I have already stated that I shall not yield until I complete my remarks.

The PRESIDING OFFICER. The Senator from Oregon declines at this time to yield to the Senator from New Mexico.

Mr. MORSE. Mr. President, there is one more point which I wish to make and then I shall close. Throughout this debate I have been very much interested in some rather novel doctrines of law which have been laid down by various Members of this body when presenting curbstone opinions on the meaning of the National Labor Relations Act. Mr. President, if you were to go through the RECORD, you would find many instances of interpretations having been made of the National Labor Relations Act which, in my judgment, cannot be sustained by the lawbooks. The other day I spent considerable time in discussing an argument which had been advanced by some Senators to the effect that the word "contribution" in section 8 of the National Labor Relations Act did not permit an employer to contribute to the welfare and health fund of a union. I sought to show—and I know of no statement in the RECORD which denies or successfully rebuts the legal soundness of my argument on that point. I repeat that the law does not support the arguments which were made on the floor of the Senate with reference to the legal meaning of the word "contribution" as it is used in the National Labor Relations Act.

Yesterday my good friend the distinguished Senator from Minnesota [Mr. BALL] made a statement which appears on page 5580 of the CONGRESSIONAL RECORD. In speaking about the definition of the meaning of the word "employee" in the National Labor Relations Act he said:

> The effect of that definition of an employee has been to take at least half of the economic risk out of the strike action for the employees. The employers' risk was left just the same. But prior to the enactment of the Wagner Act the employer could, if he thought the strike was completely ill-advised and not supported by his employees, attempt to break it by hiring other employees to work, and open his plant. We notice that in the wave of recent strikes not one plant out of a thousand attempted to operate while there was a so-called strike in progress. Why? Because if the employer tried to open the plant and hire people to go to work, he knew that when the dispute was finally settled—and under the Wagner Act he had to bargain collectively with the union and settle it—he would have to take back all his striking employees and fire the employees he had hired during the strike. Under such circumstances new employees cannot be hired. Consequently the unions have been tremendously reinforced in their strike power, because as a rule they do not have to worry about an employer attempting to break the strike and remain in production, because the Wagner Act makes such a course prohibitive in cost for the employer.

Mr. President, when I heard that argument I could not square it with my recollection of the decisions of the courts with reference to the meaning of the word "employee," and the rights of the employers to hire new workers during a strike and thereafter keep them. A hurried research brought forth, in Three Hundred and Four United States Reports, at page 333, the case of Labor Board against MacKay Co. I read from page 345.

It is contended that the Board lacked jurisdiction because respondent was at no time guilty of any unfair-labor practice. Section 7 of the act denominates as such practice action by an employer to interfere with, restrain, or coerce employees in the exercise of their rights to organize, to form, join or assist labor organizations, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or "by discrimination in regard to * * * tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: * * *." There is no evidence and no finding that the respondent was guilty of any unfair-labor practice in connection with the negotiations in New York. On the contrary, it affirmatively appears that the respondent was negotiating with the authorized representatives of the union. Nor was it an unfair-labor practice to replace the striking employees with others in an effort to carry on the business. Although paragraph 13 provides, "Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike," it does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers. And he is not bound to discharge those hired to fill the places of strikers, upon the election of the latter to resume their employment, in order to create places for them.

What I have read, Mr. President, is another example of the fact that during the debate of the past several days, many erroneous statements were made with reference to the legal meaning of the basic legislation which we are seeking to amend. In my judgment, the record is being cluttered with many gross errors. As I said in my major speech on this issue 2 days ago, the time has arrived when I think we, as law makers, and not as men who are willing to be responsive to the pressures of the moment, but as men who are writing the laws of this country which are to have a tremendous effect on the economy of our Nation for years to come, should stop, look, and listen.

We should proceed to deliberate upon these very technical matters at a much slower pace than has characterized the action of the Senate in the last few days.

Mr. President, without reading it, but along that line, I ask unanimous consent to have published in the RECORD as a part of my remarks a telegram which I have received from Mr. Charles J. MacGowan, international president of the International Brotherhood of Boilermakers, in which he sets forth the fact that his is a great union, with one of the finest war records that could possibly be made by any union. It has lived up to its contract. Yet, as he points out in this telegram, that union, and millions and millions of other men in organized labor, are going to suffer because the majority here is rising in its wrath and passing what, in my judgment, is revenge legislation against a few labor leaders who have abused the great privileges and rights of organized labor.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Is there objection to the request of the Senator from Oregon?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KANSAS CITY, KANS.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

As the chief executive of one of the largest labor unions in the United States whose members during the war built the combat vessels and the ships which carried the supplies to all corners of the earth and which also maintained the steam locomotive boilers on all American railroad systems as well as the petroleum refineries that produced the high octane gasoline the synthetic rubber plants and the steam boiler generating plants which furnished the light and power to all American industry, I hereby announce on my own responsibility and definitely upon the record made that nearly one-half million members of this international union went through the entire war without one single work suspension and we have weathered the storms of the reconversion period without one single strike. With this kind of exemplary record are we now to be repaid by the enactment by Congress of antilabor legislation which will shackle all of our activities in the future and reduce us to a condition of economic servitude. I can fully understand the dilemma in which the United States now finds itself, with certain Nation-wide strikes upon us but I assert that any legislation will not resolves those strikes. Moreover, such legislation conceived in haste and enacted in hate and passion will lay the ground work for the ultimate destruction of the free enterprise system in the United States and will make possible the widespread introduction of socialistic and communistic substitutes. For all of these reasons and in behalf of our great membership and its magnificent record I appeal as a patriotic American citizen to the distinguished Members of United States Senate to shelve this legislation until the Nation has returned to a condition of sanity after which the whole problem of legislation can be approached in a calm and dispassionate manner. The foregoing is addressed to you, sir, as one of the avowed friends of labor and with the thought that you may choose to read it into the RECORD, and I have adopted this course rather than annoy all of the other Members of the Senate with individual telegrams.

Identical copy to Senator WHEELER.

CHARLES J. MACGOWAN,
International President, International Brotherhood of Boilermakers.

Mr. MORSE. Mr. President, I close by making an announcement.

The PRESIDING OFFICER. The time of the Senator from Oregon on the amendment has expired.

Mr. MORSE. Do I have any time on the bill?

The PRESIDING OFFICER. The Senator has 30 minutes on the bill.

Mr. MORSE. Very well; I will take about 2 minutes.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Oregon that he cannot reserve the time. He has only one time to speak on the bill.

Mr. MORSE. I shall be all through in about 2 minutes. I am not reserving any time on the bill. I have a right to proceed, have I not?

The PRESIDING OFFICER. Certainly; for 30 minutes.

Mr. MORSE. I merely wish to make an announcement, Mr. President, and let me assure the Members of the Senate that I make the announcement only because of the fact that, like every other Member of the Senate, I am an exceedingly busy man, and I cannot afford to devote my time to any committee work for the Senate unless I feel that that committee work can be put to good use. On a couple of occasions I have protested certain unfair charges which have been made against the Education and Labor Committee. For days now I have heard on the floor of the Senate unfair criticisms which were not even veiled. I have heard charges made against the Committee on Education and Labor that it stalls legislation, that it functions as a death cell, so to speak, for labor legislation.

Mr. President, I feel that those charges are unwarranted as to the committee as a whole, and they are unwarranted as to individual members of the committee. They certainly are unwarranted so far as the junior Senator from Oregon is concerned. I do not propose to sit here any longer and hear these unwarranted attacks made upon a committee which I have sought to serve as conscientiously and loyally as I have served the Committee on Education and Labor.

The record of that committee is perfectly clear. The chairman of the committee is on the Senate floor at this moment and I wish to pay my respects to him. I know of no committee that has had legislation of greater importance before it, legislation which required more careful consideration, during this session of Congress, than the Committee on Education and Labor.

I deny categorically that there is a scintilla of evidence available to any Member of the Senate that the Committee on Education and Labor, under the leadership of the Senator from Montana [Mr. MURRAY], has been guilty of any practices not conducive to the efficient and conscientious handling of legislation pending before it.

As to my own record on that committee, Mr. President, the present occupant of the chair, a member of the committee, well knows I have time and time again pointed out in my discussions in the committee that, although we want full and adequate hearings on proposed legislation, we are under an obligation to report the measures pending before us at the earliest possible date. The entire committee always agreed with me and cooperated to bring about that end. It was not so very long ago that I went before the committee and discussed with the committee a suggestion which had been made to some of us on the committee that an attempt be made to delay and filibuster legislation pending before the committee. I said that I was sure no member of the committee would be a party to such an unfair and contemptible proposal.

Mr. President, the record is perfectly clear that the members of the committee took the unanimous position that delaying tactics or a filibuster policy should not be countenanced by the committee. We met long hours, as the present occupant of the chair well knows, we met morning and afternoon, we had special meeting after special meeting, to make haste in getting the pending legislation to the floor of the Senate.

Not only that, Mr. President, but at one time, as the record will show, I made clear that unless we proceeded to report the legislation to the floor of the Senate just as soon as we had completed our discussion of it, I would join in a motion to discharge the committee in order to meet the criticism that was being leveled. But, as I have said, I knew that no such motion was ever going to be necessary, because we were proceeding in the utmost of haste. Nevertheless, Mr. President, the sad fact is that the impression has been successfully created in the Senate of the United States that the Committee on Education and Labor cannot be counted upon to handle expeditiously labor legislation.

We had a clear demonstration this afternoon of just how well that idea has been planted because we have now before us a new labor bill referred to the Interstate Commerce Committee. If there was ever a labor bill this is one. It is not an interstate commerce bill, not a transportation bill, but a labor bill. If we ever had a labor bill presented to the Senate of the United States which should go to the Committee on Education and Labor, this is the bill.

What has happened? A successful run-around of that committee has been accomplished. The bill has gone to a committee which certainly cannot begin to establish an equal jurisdiction right over the bill with that of the Committee on Education and Labor.

Mr. President, I recognize that assigning bills is within the discretion of the Presiding Officer of the Senate. However, in practice I recognize that the majority leader can greatly influence the reference of bills. In this instance it seems clear that he favored this reference. I have too many other things to do, Mr. President, just to serve on a "catch as catch can" committee, or to serve on a committee to which there will be referred, not all the legislation within the clear jurisdiction of the committee, but just such legislation as pleases the strategists of the Senate.

Therefore, Mr. President, I here announce to my minority leader that I submit my resignation from the Committee on Education and Labor. I prefer to devote my time to other work of the Senate in which I feel that the time will be well spent, and the results of the exercise of the time will be more appreciated by the Senate than apparently have been the efforts of those of us serving on the Committee on Education and Labor.

Mr. SALTONSTALL. Mr. President, the majority whip and the minority whip are both in the Chamber at this time, and I would like to ask the majority whip a question.

A news release points out that the railroad situation has been cleared up, and that an agreement has been made for a year. The coal truce will expire at midnight, and coal will not be mined tomorrow. The House of Representatives has passed a bill, the temporary bill for which the President has asked. The Senate has sat for the last 2 nights and obviously, on the part of many Senators, there is considerable emotion and feeling about the present situation.

My question to the majority whip and to the minority whip is, Would it not be possible for the Senate to recess until the hour of 1 or 2 o'clock, or any agreeable hour, tomorrow, with the idea that we may have a chance to sleep over the situation. No damage would be done, we could meet at the hour fixed, and the discussion would be much more calm and considered. I should like to ask the majority whip if that would not be possible? If it is desirable, I hope he will move for such a recess.

Mr. HILL. Mr. President, in reply to the Senator from Massachusetts——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. SALTONSTALL. The Senator from Massachusetts respectfully yields the floor.

The PRESIDING OFFICER. Does the Senator from Alabama wish to be recognized on the bill or the pending amendment?

Mr. HILL. The Senator from Alabama would be delighted to answer the Senator's question, but does not desire to take his own time to do so. If the Senator will yield out of his time—he has already consumed some of his time, and he will not lose anything by yielding to me—I shall attempt to answer his question.

Mr. SALTONSTALL. I gladly yield.

Mr. HILL. I will say to the distinguished Senator from Massachusetts that the Senate Committee on Interstate Commerce is now in session considering the emergency legislation which the President requested. The distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY], as a member of the Committee on Interstate Commerce, is attending the meeting of the committee. Therefore I am unable at this time to give the distinguished Senator any definite answer as to when the Senate might recess or adjourn. In the absence of the distinguished majority leader, the Senator from Kentucky, and in view of the fact that the Interstate Commerce Committee is now considering the legislation, I could not make any motion to recess or adjourn at this particular point.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. SALTONSTALL. I yield.

Mr. WHERRY. I should like to reply to the distinguished Senator from Massachusetts that I not only agree with what the majority whip has said, but even though we might wish to recess we would first have to get the approval of the majority leader who maps out the program, and even then, if the majority leader would not consent, while we would be within our rights if we were to move that the Senate recess, I would certainly be reluctant to do so until the majority leader has been consulted.

Mr. SALTONSTALL. Mr. President, if I may have the floor——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SALTONSTALL. May I say that if there is anything in the suggestion made by the majority and minority whips of the Senate, I hope they will find the majority leader and discuss the matter with him.

Mr. WHERRY. If the distinguished Senator will yield further, I will say that I meant to include in my statement that consultation should also be had with the leader of the minority. I shall be glad to convey the Senator's wishes to the minority leader, and I am sure he will give consideration to them.

Mr. President, while I am on my feet, in the absence of the distinguished minority leader who so ably leads us on this side of the Chamber, I should like to say to the distinguished Senator from Oregon [Mr. MORSE], that I heard with deep regret the submission by him of his resignation from the Committee on Education and Labor at a time when the distinguished minority leader was not present. I sincerely trust that the distinguished Senator from Oregon will not resign from the committee, a committee on which he has served ably, well and industriously, and to which he has given the benefit of his long experience in educational labor, and other matters. If he continues to feel inclined to resign I trust he will have a conference with the minority leader before he hands in his resignation. I am sure the minority leader would not wish to have it otherwise.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield.

Mr. MORSE. I assure the Senator from Nebraska that when I have reached such a decision as I have reached in this matter I speak with absolute finality.

Mr. WHERRY. I wish to say to the distinguished Senator from Oregon that if he has made up his mind, of course that is his privilege. I simply suggest that I wish he could have conferred with the minority leader, who is at the moment absent from the Chamber, before taking such action.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio on behalf of himself and other Senators, as modified.

Mr. MURRAY. Mr. President, I was in the midst of a discussion of the pending amendment when the Senate proceeded to the House Chamber in order to hear the President of the United States. I had not concluded my statement.

The PRESIDING OFFICER. The Chair would say that, technically, under the unanimous-consent agreement, the Senator has already spoken once on the

amendment, but in view of the fact that he was interrupted by reason of the Senate attending the joint session with the House, the Chair suggests that the Senator might ask unanimous consent to be allowed to continue his remarks for the remainder of his time.

Mr. BALL. Mr. President, I ask unanimous consent that the Senator from Montana may be accorded the opportunity of speaking for the remainder of his time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURRAY. Continuing my discussion of the amendment, I wish to say that the first issue is not whether a collective-bargaining agreement may be enforced in court. Collective-bargaining agreements are as enforceable in the courts as any other kind of agreement under the law today. The first question is whether collective-bargaining agreements, unlike any other agreements, are to be thrown into the Federal courts and made the subject of Federal court jurisdiction.

The real purpose of the sponsors of the amendment becomes clearer when the second part of the proposed amendment is considered. It is significant that in the minority report of the Committee on Education and Labor the portion devoted to amendment No. 3—pages 10 to 14—deals solely with the question of how unions may be sued, creating the impression that is all the amendment deals with. No mention is made in the minority report as to other portions of the amendment.

The second portion of the proposed amendment, however, would make the union liable for "the acts of its duly authorized agents acting within the scope of their authority." With this section included, it becomes perfectly clear that amendment No. 3 represents an effort to undo a substantial portion of the 30 years of history that led up to the enactment of the Norris-LaGuardia Act.

Section (6) of the Norris-LaGuardia Act (29 U. S. C. A., sec. 106) declares that:

> No officer or member of any association or organization, and no association or organization participating in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

This section of the Norris-LaGuardia Act was the result of decades of experience with the tendencies of antilabor-minded Federal court judges. In the height of the injunction era in the early part of the twentieth century, it became common practice for the judges to issue injunctions on evidence concerning activities of any individual regardless of whether or not those activities were authorized by the union. The practice became so notorious that it became necessary in the Norris-LaGuardia Act to say simply that a union could be regarded as responsible only for acts which it authorized.

The proposed amendment seeks a repeal of that very equitable rule. Apparently, the minority members of the Senate committee are not satisfied with the present law, holding unions responsible only for clearly authorized or ratified activities. It seeks to hold the union responsible even for unauthorized acts so long as the person involved is a "duly authorized agent."

What is a so-called duly authorized agent of a union?

Any truly democratic union has an extremely large number of "duly authorized agents." Grievance committeemen are duly authorized to negotiate grievances. Local elected officers are duly authorized to administer and lead their locals. Dozens of committees of union members exist for various purposes in a local union. During a strike there are duly authorized picketing committees, food committees, negotiating committees, and many others.

It has always been the aim of anti-union employers to seek to attack the union or to tie up the union's funds on the basis of any minor altercation or scuffle on a picket line or on the basis of some minor infraction or similar action by an individual member or local grievance man. The proposed amendment would now make that possible.

It is no answer for the supporters of the amendment to state that the union's liability is limited to activities by its agents "acting within the scope of their authority." It is sufficient to note that if there is any disposition on the part of the proponents of this amendment to limit the union's liability specifically to acts authorized by the union, then the present law should be completely acceptable. By seeking to change the present law, the proponents of this amendment make it perfectly clear that they wish to be able to hold a union liable even for acts not specifically authorized by the union. Under the proposed amendment, this would be done by arguing that a grievance representative, for example, does have authority to handle grievances and therefore, even when a specific tactic which he may pursue in connection with a grievance is not authorized, nevertheless he is acting within the scope of his authority to handle grievances.

We find, therefore, that the first two sections of the proposed amendment taken together establish an entirely new body of laws calculated especially to furnish an effective weapon for attacking unions. In the first instance, the unions are told that any act which the employer deems a violation of a collective-bargaining agreement may be taken into a Federal court and treated as a matter of Federal right. In the second place, the unions are told that, in so doing, the employer may try to hold the union responsible even for completely unauthorized acts by local officials, by committee members, or by any member serving in any kind of official capacity. In any truly democratic union that could and should include almost every member of the union. It is a liability whose scope can be limited only by moving the union in the direction of a dictatorial structure with authority centralized in a small number at the top. While the supporters of the proposed amendment would undoubtedly declaim against any such tendency in a union, their support of this amendment indicates that many of them actually prefer that kind of a union.

Moreover, the employer is given special assistance in making the operation of the proposed amendment as oppressive as possible to the union. Subsection (c) of the proposal would give the Federal courts jurisdiction over the unions, not merely in the districts where the union has its main office, but also in any district where it has any duly authorized officers or agents. Most large labor organizations have members scattered throughout the country. The proposed statute would permit harassment of the organization by law suits in any district where the company might find local committeemen or other minor representatives of a small affiliated group.

Finally, sponsors of this amendment apparently decided to take no chances on missing any possible bets for impeding and weakening employees and their organizations on the pretext of enforcing contracts. A final clause in the proposed amendment declares that where an employee participates in an unauthorized stoppages he "shall lose his status as an employee" for purposes of the National Labor Relations Act.

There is an almost Machiavellian cleverness about this clause. It presents an appearance of seeking merely to protect unions against stoppages which they themselves do not authorize. It creates an impression that the sole penalty is aimed against the offending employee.

Many union contracts now provide that an employee who engages in a stoppage in violation of a contract may be discharged as a penalty. This is a clause of a type which may be acted upon where an employer and a union feel that a collective bargaining relationship is such as to make such action a desirable means of enforcement. A statutory approach which irrationally assumes that such a penalty is necessary and desirable in all instances and under any circumstances would be in itself dangerous and undesirable. The proposal, however, goes far beyond even that. It penalizes not merely the employee, but also the very union against whose orders the employee is rebelling. The proposal specifically includes a loss of status as an employee under section 9 of the National Labor Relations Act. Presumably, therefore, if a majority of the employees at a given plant strike in violation of union policy, then, even if the employer does not discharge them, they nevertheless lose their status as employees in determining representation and the union loses its collective bargaining rights.

Coming and going, the union is hit. Under subsection (b) the union is liable in court for acts of its agents, even if the specific act was not authorized. Under subsection (d) the union may be penalized, even for an unauthorized act, done by persons who are not in any sense union agents.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MURRAY. I hope the amendment will be rejected.

Mr. MEAD. Mr. President, I wish to make a few observations about the message just delivered by the President to the joint session of Congress. I understand that there is an extra edition of the newspapers on the street now which carries the details of the railroad strike settlement.

All the organizations involved in the railroad strike have been ordered back to work by their leaders. It must be understood, Mr. President, that 18 of the 20 railroad organizations were not on strike. The two organizations that were on strike have been ordered by their leaders to go back to work. They have accepted the President's proposal and they are preparing to operate the trains.

That leads me to the observation that the crisis which was discussed by the President in his talk this afternoon is now over. If that crisis is over, it occurs to me that the Senate committee which is now considering the emergency bill can well take a reasonable length of time to give it the consideration which a measure of that character well merits.

If this strike had been settled earlier in the week I have my doubts about the President recommending the bill which has been brought to our attention since he delivered the message before the joint session of Congress.

I understand that the other House has passed the bill, that during its consideration there was an insufficient number of copies of the bill to go around. Not only did the House lack a sufficient number of copies of the bill, but there were no extra copies for the press gallery. Surely we have time now to furnish everybody here with copies of the bill.

As was pointed out by the able Senator from Ohio [Mr. TAFT], the coal strike, which is still in progress, but concerning which there are continuing negotiations, comes under the purview of the Smith-Connally Act. The President has considerable authority in dealing with that particular matter. What he had specifically in mind when he came before the Congress today was the railroad strike. He particularly referred to strikes in progress against the Government. He made it crystal clear that he was referring to the railroad strike. He was talking about the railroad strike, which is now over. By reason of the fact that the crisis is now over, we can well afford to give the proposed legislation more attention than might otherwise be the case.

The President during his address expressed his feelings in the matter, and indicated his attitude toward the subject of labor relations when he said:

> The contribution of labor to the growth of this country in peace and to its victory in war is at least as great as that of any other group in our population. Without well-paid, well-housed, and well-nourished working men and women in this country it would stagnate and decay. I am here not only to urge speedy action to meet the immediate crisis, but also deliberate and weighty consideration of any legislation which might affect the rights of labor.

Notice the President said:

> I am here not only to urge speedy action to meet the immediate crisis, but also deliberate and weighty consideration of any legislation which might affect the rights of labor.

Now that the immediate crisis is over, legislation is not required to meet it.

With the crisis over we can give the matter the study and consideration the President suggests. Surely great weight ought to be given to the President's own feelings in the matter.

The President in further explanation of his position said:

> The benefits which labor has gained in the last 13 years must be preserved.

He makes that emphatic. Let me read it again:

> The benefits which labor has gained in the last 13 years must be preserved.

That sentence should recommend itself to the committee now considering this temporary legislation. The President continued:

> I voted for all these benefits while I was a Member of Congress. As President of the United States I have repeatedly urged not only their retention but their improvement. I shall continue to do so.

If we are to go along with the President of the United States in his recommendations it is necessary for us to take cognizance of that statement by the President. In that paragraph I believe the President very well lays the ground work for the veto of the pending bill. If we are to carry on as the President has suggested, we should consider the President's emergency and long-range program and no other program. But if we are to continue with the consideration of a bill to take from labor its gains, contrary to the request of the President, and then also to give him an emergency bill which may or may not be in accordance with his wishes, we are taking unfair advantage of a situation that no longer exists. Let me quote again from the President's address:

> I request temporary legislation to take care of this immediate crisis.

The immediate crisis, however, is now over. The railroad strike has been settled.

The President continues:

> I request permanent legislation leading to the formulation of a long-range labor policy designed to prevent the recurrence of such crises and generally to reduce stoppages of work in all industries for the future.

A day or so ago I took the floor and discussed the experiences of the English-speaking countries of the world in the matter of labor-management relations. I pointed out to my colleagues that when those nations resorted to voluntary procedures, safeguarded and well supported by the Government, the number of industrial strikes was less than when compulsory, drastic, and even at times vicious antilabor legislation was on the statute books. I expressed the hope at that time that we would create a committee, and that the committee would study the most advanced labor laws throughout the country and throughout the world, and earnestly and sincerely dedicate themselves to the presentation to the Congress of forward-looking, progressive, and effective legislation which would minimize industrial strikes in this country. The President today called for such a study.

Mr. President, we therefore have more reason to do that now than was the case when I left those thoughts with the Senate. The President of the United States has just come before us and told us that we should preserve labor's gains. He urged us to continue the legislation which was enacted during the administration of the late President Roosevelt, and he likewise requested the creation of a joint committee to make an exhaustive study of the problem and, with it, a recommendation to the Congress.

If we are going to pass the pending bill, with all the amendments to it, and deny labor the gains it has accumulated throughout the administration of President Roosevelt, and if at the same time we are to rush through a temporary bill to meet a crisis which now is over, it occurs to me that we are not following the President; we are in fact defying the President.

So, Mr. President, as one who would sympathetically consider the President's program, as one eager to devise a more perfect formula that will minimize industrial difficulties, as one who would like to have the President's program considered in the light of his message, it occurs to me that we could well set aside the pending measure, and that the committee now considering the temporary measure could hold hearings on it and could consider it thoroughly and reasonably, and then report it to the Senate, so that we might have opportunity to pass judgment upon the finished product.

I am not an attorney, nor am I versed in constitutional law. But I am disturbed by one of the sections of the temporary measure, and I trust that the committee considering it will report it with amendment and with modification. According to section 7 of the bill, which we did not have when the President delivered his address—

> The President may, in his proclamation issued under section 2 thereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 thereof, shall be inducted into the Army of the United States.

Mr. President, we have on the statute books a great many laws which have been enacted by Congress for the protection of the men who fought our battles in time of war. I should like to have this section very carefully studied, lest we do injury to the legislation affecting the ex-servicemen which we have already enacted.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. WILSON. I was very much interested in the Senator's reading of section 7. He stopped a bit too soon, I think. Those who might be inducted into the service of the Army of the United States would be inducted, according to the terms of the bill, with or without subscribing to an oath to support the Constitution and to maintain our Government.

Mr. MEAD. My colleague from Iowa is correct. I did not read the complete section. I read merely enough of it to

enable me to voice my opinion with regard to it. I hope it is taken out of the bill by the committee.

Mr. President, I shall conclude now by merely expressing the hope that we shall join the House of Representatives in creating a committee to make a study of the proposed program of the President to make a study of the long-range program of the President. I urge that the committee now considering the emergency measure study it well, to the end that they will protect the rights and privileges of the ex-servicemen; to the end that it will not do what the President urged that we do not do; namely, destroy the hard-earned gains of labor. We should consider the recommendations of the President in the light of the changed conditions now at hand.

Mr. President, there is time now for the fullest consideration of both the emergency and the long-range program. I trust that the committee which now is dealing with the temporary program will bring to the Senate a bill which we can support.

Mr. President, I trust that the joint committee will be created quickly and that it will go about its work speadily and that we shall improve and refine our present labor procedure. We want industrial peace and as the President said we desire to preserve the hard-earned gains of labor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 148) creating a joint select committee to study and recommend legislation concerning labor relations, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 148) creating a joint select committee to study and recommend legislation concerning labor relations, was read twice by its title and referred to the Committee on Education and Labor.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio [Mr. TAFT] for himself and other Senators.

Mr. BALL. Mr. President, I desire to speak very briefly on the pending amendment.

First I should like to say that under the proposal of the Senator from New York that the Senate lay aside the pending measure and that the Committee on Interstate Commerce proceed to hold hearings on the President's bill, the Senate would be doing absolutely nothing in regard to the President's suggestion.

The pending amendment very simply seeks to establish for unions the same responsibility for carrying out their contracts that now apply to employers. The Senator from Montana seems to think that under it the union will be responsible for any activity of any individual employee. I do not think that is true. Subsection (b) provides that:

> Any labor organization whose activities affect commerce as defined in this act shall be bound by the acts of its duly authorized agents acting within the scope of their authority from the said labor organization.

It seems to me that ties it down rather well to the officers of the union who, under its constitution, have authority to act for the union.

Mr. President, some question has been raised as to whether, under this amendment, it might come about that every little grievance under an existing labor-relations contract would come into court. I do not think that would happen. Although I am not a lawyer, it seems to me that the rule of law would be that if a grievance occurred and if a contract provided for grievance machinery, any court would hold that a suit over a grievance was out of order until the grievance machinery had been used.

Question has also been raised as to whether, if a union can be sued for violation of contract, a great many unions will refuse to write into their contracts a no-strike clause to apply during the life of the contract. The fact is that four States of which I know—namely, Minnesota, Colorado, Wisconsin, and California—have on their books at the present time statutes which permit unions to be sued for violation of contract. So far as can be determined, that provision has not lessened to any degree the willingness of unions, when they get a contract they want, to write into it a no-strike clause for the life of the contract.

Mr. President, it is the contention of some of the opponents of this amendment that unions are now suable in State courts. A lawyer on my staff looked up a number of recent decisions. Several of them show that in Kentucky, West Virginia, in Massachusetts, and in Illinois, all of which are important industrial States, unions cannot be sued as legal entities. I ask unanimous consent that the brief memorandum which I hold in my hand, which bears on that subject, may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

RECENT COURT DECISIONS AS TO SUABILITY OF UNIONS

1. Unions may be sued—

(a) *Busby v. Electrical Utilities Employees Union, District of Columbia* (January 22, 1945).

"Voluntary labor organizations may sue and are suable in their common name, and funds in their common treasury are subject to execution for torts committed and contracts made in the common enterprise."

(b) *Hotel, Restaurant, Building Service and Maintenance Workers Union, CIO, v. Hotel and Club Employees Union, A. F. of L.* (Pennsylvania Court of Common Pleas, February 11, 1946).

The CIO union sued for damages, alleging libel in an A. F. of L. publication which accused the CIO of having a bellman dismissed because he joined an A. F. of L. union.

The A. F. of L. claimed that it could not be sued.

The court overruled the claim, and said: "We cannot accept the inference of the defendants that a labor union, engaged in a labor dispute, is beyond the pale of the law, even though the dispute be a jurisdictional quarrel."

2. Unions may be sued—

(a) Kentucky case. In One Hundred and Seventy-second Southwest Reports, volume 2, page 202, on June 1, 1943.

"At common law, a voluntary association such as a labor union is not a 'legal entity' and may not be sued in its common name distinct from the names of its members."

(b) West Virginia Supreme Court. In Thirty-second Southeast Reports, volume 2, page 269, on December 5, 1944.

The statute law of West Virginia does not provide for suits against unincorporated societies or organizations, and, in the absence of such statute, it cannot be sued as an entity by name.

(c) Massachusetts case. *Worthington Pump & Machinery Corp. v. Local No. 259 of the United Electrical Radio and Machine Workers of America, CIO* (October 29, 1945).

A dispute arose over the dismissal of an employee member of the union. The company brought this suit to enforce its collective-bargaining agreement with the union. The Federal district court sitting in Massachusetts applied the law of Massachusetts, which holds that a labor union is not a corporate entity, may not be sued as a person, and may not be subjected to any decree. The case was dismissed.

(d) *Pullman Standard Car Manufacturing Company v. Local Union No. 2928, United Steel Workers of America, CIO* (152 Fed. 2d 493, 7th Circuit Court of Appeals, Nov. 28, 1945).

The Pullman Co. sued the union for libel, charging that the union's newspaper published an article accusing the company of making false statements to the public and the workers.

The case came into the Federal courts because of the parties' diversity of citizenship. However, since the alleged libel occurred in Illinois, the Federal courts are required to follow the law of Illinois.

Applying the Illinois law to the case, the court said: "We think these cases (earlier Illinois decisions) clearly show that the common law of Illinois, which has not been changed by statute, does not permit an action at law against an unincorporated labor association."

Mr. BALL. Mr. President, it seems to me that equal responsibility by both parties to a contract is a principle which the Senate should apply in the field of labor relations. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio, on behalf of himself and others Senators, as modified.

Mr. BALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Texas [Mr.

O'DANIEL], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I announce further that if present and voting the Senator from Alabama [Mr. BANKHEAD] and the Senator from Texas [Mr. O'DANIEL] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The Senator from Delaware [Mr. BUCK] is necessarily absent. If present he would vote "yea."

The result was announced—yeas 50, nays 28, as follows:

YEAS—50

Austin	Gurney	Revercomb
Ball	Hart	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Saltonstall
Brooks	Hickenlooper	Smith
Byrd	Hill	Stanfill
Capehart	Hoey	Stewart
Capper	Huffman	Taft
Connally	Johnson, Colo.	Tobey
Cordon	Johnston, S. C.	Tydings
Donnell	Knowland	Vandenberg
Eastland	McClellan	Wherry
Ellender	McMahon	White
Ferguson	Millikin	Wiley
Fulbright	Moore	Wilson
George	Overton	Young
Gerry	Reed	

NAYS—28

Aiken	Lucas	O'Mahoney
Barkley	McCarran	Pepper
Briggs	McFarland	Shipstead
Downey	Magnuson	Taylor
Green	Mead	Thomas, Utah
Guffey	Mitchell	Wagner
Hayden	Morse	Walsh
Kilgore	Murdock	Wheeler
La Follette	Murray	
Langer	Myers	

NOT VOTING—18

Andrews	Butler	Maybank
Bailey	Carville	O'Daniel
Bankhead	Chavez	Radcliffe
Bilbo	Glass	Thomas, Okla.
Buck	Gossett	Tunnell
Bushfield	McKellar	Willis

So Mr. TAFT's amendment, as modified, was agreed to.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. From the Committee on Interstate Commerce I am authorized to report the bill (H. R. 6578)——

Mr. TAFT. I object.

The PRESIDING OFFICER. Objection is heard. The report cannot be received under objection.

Mr. BALL obtained the floor.

Mr. HATCH. Mr. President——

Mr. BALL. I yield to the Senator from New Mexico for a parliamentary inquiry.

Mr. HATCH. I rise to a parliamentary inquiry, and I make it in good faith.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. HATCH. The point I wish to ask about—and I really want information myself—is this: If a standing committee of the Senate offers a report, can any one Member of the Senate object to receiving the report?

The PRESIDING OFFICER. It may only be received, under the rules of the Senate, during a morning hour regularly provided for following an adjournment. At any other time it must be done by unanimous consent.

Mr. HATCH. Mr. President, I think that now is the time for a unanimous-consent request to be proposed.

The PRESIDING OFFICER. One has already been proposed, and objection was heard.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. BALL. Mr. President, on behalf of the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. SMITH], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and myself, I send to the desk an amendment which I offer to the pending bill.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. (a) The second paragraph of section 20 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended by striking the period at the end thereof, inserting a colon, and adding the following: "*Provided*, That nothing in this paragraph shall be construed in any proceeding, civil or criminal, instituted under the antitrust laws to make lawful any combination, contract, or conspiracy in restraint of trade having as its purpose one or more of the objects which are defined in section 6, subsection (1) or (2), as not being legitimate objects of labor, agricultural, or horticultural organizations."

(b) Section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended by adding thereto the following paragraphs:

"It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—

"(1) by strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

"(2) to join or combine with any person to fix prices, allocate customers, restrict production, distribution, or competition, or impose restrictions or conditions upon the purchase, sale, or use of any material, machines, or equipment: *Provided*, That nothing herein shall prevent a labor organization from joining or combining with another labor organization or an agricultural or horticultural organization from joining or combining with another agricultural or horticultural organization.

"(c) The term 'labor dispute' appearing in the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be interpreted to include any dispute arising out of or in furtherance of any contract, combination, or conspiracy under the antitrust laws described in paragraph (1) or (2) of subsection (b) of this section."

Mr. ELLENDER. Mr. President, I send to the desk an amendment to the pending amendment. I have discussed it with the Senator from Minnesota. It broadens the scope of his amendment in protecting an employer who has entered into a collective-bargaining agreement with one labor organization from being forced to deal with another labor organization in order to have its products utilized by the public.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. BALL. I yield.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 2, of Mr. BALL's amendment, in line 17, after the word "materials" it is proposed to insert "(a)", change the period to a comma, in line 21, on page 2, and add the words "or (b) to force or to require any employer to recognize, deal with, comply with the demands of, or employ members of one labor organization instead of another labor organization with which such employer has an effective collective-bargaining agreement."

Mr. BALL. Mr. President, the sponsors of the pending amendment have discussed the proposed amendment of the Senator from Louisiana, it fits into our proposal, and we wish to modify the proposed amendment to include his amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BALL. Mr. President, the amendment just offered by me deals with a practice of unions which is rapidly becoming one of the most serious problems in this whole field, namely, the use of the secondary boycott as a weapon of labor organizations to enforce in a given geographical area a complete monopoly on the types and kinds of materials which the consuming public may use.

We had much testimony on this point in the committee hearings. One of the very worst instances brought out, one which went to the Supreme Court, was the case of the International Brotherhood of Electrical Workers, Local No. 3, which is the New York City local. That local has contracts with both manufacturers of electrical equipment and with contractors who install such equipment. Originally, through a conspiracy with the employers in the manufacturing end of the business, the union, by placing on its unfair list any equipment not manufactured by concerns having contracts with that particular local, enforced a monopoly in the New York area so that anyone, including the Government, proposing to construct a building in the New York area, had to buy all the electrical

equipment from the few small manufacturers in the New York City area. The construction unions, with which this Local No. 3 had a closed-shop contract, refused to handle equipment made by any outside manufacturers. I might add that the major manufacturers of electrical equipment, such as General Electric and Westinghouse, do not have factories in that area, so their products were barred from the New York City area.

An antitrust suit was filed, and the case was taken to the Supreme Court of the United States, which dissolved the injunction insofar as it affected the employers. The Court said that under the antitrust laws as amended by the Clayton Act, and their interpretation of the Norris-LaGuardia Act, the labor unions could not enter into a conspiracy with the employers to create this monopoly, which incidentally, the testimony taken showed, had approximately doubled the cost of electrical equipment in the New York City area. The Court specifically held, however, that the union was free to enforce that monopoly all by itself, and the union is continuing to enforce the monopoly, and today no outside manufacturer can sell electrical equipment in the New York City area with any hope that it can be installed.

The result on a Federal housing project, for instance, as I recall the testimony, was that Westinghouse, General Electric, or some other of the major firms, offered equipment at about $50,000. The union refused to work on the project, and the housing authority building this war housing had to pay approximately double that amount to one of these New York City manufacturers which had a contract with Local No. 3 of the IBEW. Mind you, Mr. President, that local was not only boycotting the products manufactured by a concern which had a contract with the CIO local, which had no collective bargaining contracts at all, but it was barring products manufactured by concerns which had collective bargaining contracts with other locals of the same international union. Of course, that monopoly has been very greatly to the benefit of the members of that particular local. But all the other electrical workers in the country, and particularly the consumers in the city of New York, have paid through the nose for that monopoly.

We had another instance of a manufacturer of neon signs in Lima, Ohio, whose union, certified by the National Labor Relations Board, was a CIO union. He signed a closed-shop contract with them. He has found that he cannot sell his neon signs anywhere in the country because the construction end of the industry, that is the installation of these signs, is controlled by firms which have closed-shop contracts with the A. F. of L. Electrical Workers' Union, and that union boycotts any products made by a rival union. So, this manufacturer is now in process of shutting down his plant because this secondary boycott has completely closed the markets to him.

In the construction industry, where this particular weapon is most widely used, we have affidavits that the plumbers' union, A. F. of L. is now boycotting seamless pipe and other plumbing fixtures which are made by any other than an A. F. of L. union. Since most of the manufacturing end of the plumbing business is organized by CIO, that particular situation, if it is not corrected very soon, is likely to lead to one of the very worst bottlenecks in the whole housing shortage situation, because the construction industry cannot relieve the housing shortage if it is continually to be caught and shut down by these boycotts of one union against a rival union or against unorganized workers.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BALL. I yield for a question.

Mr. REVERCOMB. I am very much interested in the very clear and able presentation of the Senator's view. But as a practical matter, under what procedure will such situations be met and dealt with and cured?

Mr. BALL. I am about to proceed to discuss that point.

Mr. President, our amendment would place these monopoly practices of unions under exactly the same terms of the antitrust laws as apply to corporations or individuals in business who attempt monopoly practices. The present situation results from various Supreme Court interpretations of the antitrust laws as they consider them to be modified by the Clayton Act, and later on by the Norris-LaGuardia Act.

In *United States* v. *Hutcheson* (312 U. S. 219) the Supreme Court held that a secondary boycott could not be reached under the antitrust laws because the declaration of policy in the Norris-LaGuardia Act gave employees full freedom to engage in concerted activities for their mutual aid and protection. Therefore, even though a secondary boycott was clearly illegal under the Clayton antitrust law, it was free from criminal prosecution or injunction because of the declaration of policy in the Norris-LaGuardia Act.

In the majority opinion, written by Mr. Justice Frankfurter in that case he specifically stated—and this is contained in the minority views:

> So long as a union acts in its self-interest, * * * the licit and the illicit under section 20 are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means.

In other words, under that decision, Mr. President, the unions are completely beyond the reach of the law so far as any Federal law is concerned. So long as the unions can show that somehow their members will benefit, whether their practices are in restraint of trade, elimination of competition, creation of monopoly or any other practice that for anyone else is illegal and unlawful—so long as they can show that their particular members will benefit by their otherwise illegal acts, they are exempt from any kind of prosecution or court action, under the Supreme Court's interpretation.

Now we attempt to get at that situation by amending the Clayton Act, sections 6 and 20, and if Senators want to study those particular sections, they are set forth, I may say, on page 15 of the minority views on this bill which are on Senators' desks.

Section 6 of the Clayton Act is that one which provides:

> That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of—

Unions. Before the passage of that act the Sherman Act had been invoked a number of times against unions. And section 20 spells out in more detail the fact that no injunction shall issue and no court degree shall apply to any legitimate activities of either a labor organization, a horticultural or agricultural organization.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. BRIDGES. Will the Senator explain his definition of a primary boycott as differentiated from a secondary boycott?

Mr. BALL. Mr. President, I was coming to that. Every strike is a primary boycott. If a union puts a particular firm on the unfair list and urges its members not to patronize it, that is a primary boycott against the first firm. In a secondary boycott, the employees of one employer refuse to handle or install or use certain products because they are trying to force the manufacturer of those products, who is another employer, to do certain things. In other words, the purpose is to bar from commerce particular items and materials manufactured by another employer than the one against whom the secondary boycott is directed. That is as near as I can define it. We try to get at it in the language in paragraph (1) on page 2 of the amendment. We amend section 6 of the Clayton Act by adding certain paragraphs.

> It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—
>
> (1) by strikes, or threats to strike—

We had to include the word "strikes" because obviously if the construction union says, "We will put on our unfair list this product made by General Electric or Westinghouse; we will not use it," and the employer says, "Well, I will go along," and he merely stacks it up in the corner, that is a concerted refusal to use. But if the employer says, "You use these, or else you are through working for me," and the workers strike, that is just as effective as a concerted refusal to handle, and there must be included in this picture the use of the strike weapon where it is used to enforce a secondary boycott. The paragraph reads:

> (1) By strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. REVERCOMB. As a practical matter in a court proceeding for injunction against whom would the action be directed? Would it be brought against the union or against individuals? Where would the injunction process lie?

Mr. BALL. The injunction would lie against the union, as I construe the Sherman antitrust act. There are three remedies under the Sherman antitrust law. One is an injunction proceeding instituted by the United States District Attorney on recommendation of the Attorney General. The second is a criminal proceeding instituted by the district attorney on recommendation of the Attorney General. The third is a suit for treble damages by anyone damaged by the violation of the antitrust law and antimonopoly law.

Mr. REVERCOMB. Will the Senator again yield?

Mr. BALL. I yield for a question.

Mr. REVERCOMB. The proceeding under a criminal statute would be against certain individuals, I take it?

Mr. BALL. The criminal statute, I think, would lie against anyone who directly engaged in the conspiracy; yes.

Mr. President, the amendment of the Senator from Louisiana [Mr. ELLENDER], which we accepted, adds to the secondary boycott designed to create a monopoly which we would outlaw under this statute, also a secondary boycott which is designed to force or require an employer to recognize or deal with one labor organization when the employer has an effective collective-bargaining agreement with another labor organization. In other words, it reaches the jurisdictional strike or boycott, which attempts to force an employer, in effect, to violate the National Labor Relations Act by dealing with a union other than the one which really represents a majority of his employees.

Mr. President, we have worked over this amendment for many days. It is carefully worded. I think it reaches exactly what we are trying to reach, and no more; and I hope the Senate will adopt it, as I think it strikes at one of the most serious problems and worst abuses existing in the whole picture today.

Mr. PEPPER. Mr. President, the proposal of the able Senator from Minnesota would apply the antitrust laws to secondary boycotts by labor unions. It is fortunate that we have the experience of a prior era guide us as to the wisdom of taking such a step. In 1890, secondary boycotts became subject to the severe penalties of the antitrust laws, and from 1914 until 1932 they were restrainable at the behest of private parties. The history of the application of the antitrust laws to secondary boycotts during those periods should provide a solemn warning to those of us who wish to restrain unduly the activities of American labor organizations. It may be that certain labor unions have indulged in some colorable or even unsocial activities in their struggle for existence and recognition. Certainly I do not condone organized jurisdictional boycotts which involve innocent third parties in ruin. The boycott, however, is the practice of the right of every free individual to refuse to work or to buy what he does not desire.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. The Senator does not condone that kind of a boycott. What does the Senator suggest ought to be done under those circumstances?

Mr. PEPPER. There is published in the city of the able Senator from Illinois a newspaper which I many times have thought a public nuisance and a public menace; yet because I think that way about the Chicago Tribune I am not willing to destroy the freedom of the press. I do not know what the answer is, or how to curb people who abuse the power of freedom of the press; but I have said on this floor—and every Senator, of course, would agree with me—that I would rather have freedom of the press and have it abused than not have it. That is essentially the principle which is involved in all this legislation which we are considering at the present time. I would preserve the right to strike, even if it is abused, than to try by coercion to prevent it. I would rather permit abuses of the power of free speech than to deprive free citizens of the power to enjoy it and to abuse it. That, Mr. President, is essentially the price we must pay for the beneficence of democracy. Somehow or other I cannot escape the feeling that Senators sometimes think that they can enjoy, without paying a price for them, the immeasurable privileges of democratic rights. We cannot, Mr. President. So I say to the able Senator that I do not know the answer to many abuses which exist in our economic, social, and political life.

But these are not the only abuses; and because we do not have any perfect remedy to suggest, that does not mean that we are ready to apply a rule which would be worse than the situation we try to remedy.

Mr. President, in all the history of this privilege that labor has exercised, instances of the abuse of it are very limited in number. The man who has a neon sign business in Lima, Ohio, came to see me, and he spoke about how his business was threatened because he deals with a CIO union, and members of the A. F. of L. union seem to be the ones who erect the signs. If I knew of any way to draft an amendment, or if some other Senator had found a way to correct that situation without depriving other citizens of the right to buy what they want to buy, and to work with those with whom they wish to work, and for those for whom they wish to work, I would vote for it. But I have not seen such an amendment; and, with all deference, I do not believe that the able Senator from Minnesota has offered the Senate such an amendment in the one now being considered.

The boycott is the practice of the right of every free individual to refuse to work or to buy what he does not desire. This is a part of our great tradition of liberty and has repeatedly been protected from encroachments by the highest tribunal in the land.

Although some types of organized boycotts are distasteful to us, the proposed restraint on the use of the boycott is even more distasteful because it would open the way to a denial of the constitutional rights of American workers through the coercion of the injunction. The old horse who was led down to the water but could not be made to drink was the exception. Men who are coerced by omnibus injunctions can probably be made to give in and drink but only at the cost of their freedom from oppression and involuntary servitude.

It might be well at this time to take a look at the proposal we are now considering. In brief—leaving out the Ellender amendment—it would declare that, a combination of employees to force an employer by strike, threat of strike, or boycott to cease handling or dealing in the product of another employer is not within the legitimate purposes of labor unions. A further provision would make it unlawful on the part of a labor union to combine with a nonlabor group to restrain trade through agreements on certain matters such as prices, and so forth.

As a means to prevent secondary boycotts, the Senator would rewrite the definition of labor dispute under the Norris-LaGuardia Act to exclude disputes arising out of the prohibited acts, and make these combinations subject without restriction to injunctions and all the other heavy penalties of the antitrust laws. I shall not linger upon the abuses against which the Norris-LaGuardia Act was aimed, and the long list of grievances which brought it about.

What does this proposal mean? It means that with a few brief words the Senator would destroy the results of a generation of progress in labor relations, made the hard way, at the cost of many mistakes and much suffering. The history of Federal statutory control over combinations in restraint of trade began in 1890. In that year the Congress passed the Sherman Anti-Trust Act, having as its primary purpose the protection of consumers from monopolistic practices of business combinations. Although there will always be some doubt about whether Congress intended to have the Sherman Act apply to labor unions, that problem is no longer important today. Our judiciary settled the question for all practical purposes. It also exposed the inappropriateness of its decision. The story of the cases during those early years shows quite plainly the folly and injustice of applying laws designed to combat the evils of massed capital to organizations formed by workers who have the strength of their muscles as their only offering and their combined power to withhold their labor as their only protection. Workers join together into labor unions because it is the only way they have to protect the small amount of money and security they possess. Capital, already strong, combines to form monopolies for the purpose of accumulating further capital and more power.

We are all, I am sure, familiar with the famous Danbury Hatters case wherein

a judgment for triple damages was enforced individually against each and every member of the union. Although the dispute ruined the company its effect on the workers was appalling. This case was the most extreme case of its kind but it is also an example of what could happen again if this proposal were to go through.

Although labor has come a long way since the early days, labor unions must still depend on service to their members to retain their support, and on contributions out of their members' wages for their financial resources. Even a full union treasury is the product of long and laborious saving of small amounts of money at a time. It is rapidly emptied when expenses of law suits have to be paid.

As an example of what I have in mind I should like to tell of an incident related to our committee by a witness for labor. During the dispute in Republic Steel in the middle thirties, the corporation brought suit against the union. The union eventually won the case in the Supreme Court. The cost to the union, however, amounted to $200,000 in counsel fees. The corporation was easily able to pay the cost of the suit, but to the union it was a serious drain from which it took some time to recover. In view of this inequality of financial position between unions and corporations Congress would be striking a blow at the Achilles heel of labor unions if it brought back the possibility of suits for triple damages.

Labor unionism is no longer a gaunt, dangerous specter to be kept locked up in a back closet and allowed to live only because it has some ties to the community. In the language of section 1 of the National Labor Relations Act, it is now—

> The policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

The proposal of the Senator from Minnesota would reverse this policy of the United States by creating, instead of removing, obstructions to the free flow of commerce. It would create labor unrest by depriving labor unions of their right to act in their own defense. It would strike at the exercise by workers of the full freedom of association by making it dangerous for them to join together lest they be financially wiped out, both jointly and individually, by damage suits.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield for a question.

Mr. LANGER. Referring to page 3 of the amendment, where agricultural and horticultural organizations are mentioned, and also referring to lines 14, 15, 16, and 17, on page 2, I am rather puzzled. Suppose a group of farmers who were raising apples or wheat or cotton decided that the price was too low, and suppose a farmer went to a meeting and said, "I am not going to keep on raising wheat for 20 cents a bushel." I should like to have the Senator's opinion as to whether by threatening to strike he would be guilty of a crime.

Mr. PEPPER. I cannot be quite sure about the case cited by the able Senator from North Dakota; but I may say that if a citizen living in New York joined with a group of consumers of wheat, and said, "We do not like it because the farmers of North Dakota are limiting their acreage in order to force up the price," I do not see why he would not run the risk of violating the provisions of this amendment. Or if in another case a group of people got together and said, "We will not buy the output of your farm or your factory because of some policy or practice of yours that we do not like," it would seem to me that they would be subject to the kind of injunction provided for in the amendment, and would be subject to a penalty.

Mr. LANGER. I call the attention of the distinguished Senator to line 14, which says "or threats to strike." Suppose a group of farmers held a meeting on a local lot and talked over the situation, and said, "We cannot produce wheat at the price the Government is offering, and we do not propose to raise it. We will let our land lie fallow." Do I correctly understand that under this proposal they could be prosecuted?

Mr. PEPPER. They could certainly be subjected to suit. Whether the suit would be a success is another matter. Certainly, Mr. President, when we give to a large corporation or to strong private financial groups the power to commence suits, we give them the power to ruin a poor defendant.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. FERGUSON. Has it been the experience of the able Senator from Florida that the right to sue has been abused? Has that been his experience?

Mr. PEPPER. I will say that the right to sue has been abused, although not in every case, of course, or in a majority of cases. But I know, and I believe experience will confirm it to the satisfaction of anyone, that in the patent field the very threat of an infringement suit against a poor inventor by a large corporation will sometimes persuade him to sell his invention because he cannot last out a long patent infringement suit against a great corporation.

Mr. FERGUSON. Will the Senator further yield?

Mr. PEPPER. I yield.

Mr. FERGUSON. Does the Senator know whether Congress has ever taken away the right to sue, merely because there is one case of the sort the Senator from Florida has mentioned?

Mr. PEPPER. No; Congress has not taken it away. But I think the present instances are not analogous to this situation. We are here trying to redefine labor suits so as to take them, in the cases mentioned here, out of the protection of the Norris-LaGuardia Act and for the first time in recent history to subject labor organizations to the menace and expense and threat of such suits. I think that carries with it the possibility of such grievous abuse and it seems to me that the necessity is so relatively unimportant, as compared to the abuse which might be committed, that I believe in the balance of interest the amendment should not be adopted.

Mr. FERGUSON and Mr. BALL addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield, and if so, to whom?

Mr. PEPPER. I continue to yield to the Senator from Michigan, to permit him to conclude.

Mr. FERGUSON. The Senator has stated that in the neon sign case he believes there should be a remedy. That being true, inasmuch as the secondary boycott exists in other cases in addition to the neon sign case, what would the Senator from Florida recommend, if Congress does not pass a law to prevent secondary boycotts? Suppose the same situation existed today in the building field. Today most of the builders—the laborers, the carpenters, and so forth, who are engaging in construction work—are members of the A. F. of L. The suppliers of the great amount of that material are members of the CIO. If something is not done, and if in the building-trades field the same thing happens that has happened in the electrical business, how will this country function in connection with the attempt to build houses for the veterans?

Mr. PEPPER. Mr. President, there are many other ways by which the same thing could occur. It is theoretically possible that the building-material men might do the same thing. They might not wish to sell in certain ways to certain people for certain prices, and thereby they would stymie the veterans' building program. But the Congress is not making those possibilities unlawful and illegal.

Mr. FERGUSON. Under the Clayton Antitrust Act——

Mr. PEPPER. Oh, no, Mr. President; a man can refuse to sell any commodity that he owns; he can refuse to sell it to anyone to whom he does not choose to sell it.

The antitrust laws only prevent certain combinations in restraint of trade. But that does not mean that the Ford Motor Co. cannot refuse to sell its cars to a man to whom it does not choose to sell them, and it does not mean that merchants who are selling suits cannot refuse to sell them to people to whom they do not wish to sell them, and so forth.

How is the Senator going to distinguish between a group of people who get together and conscientiously think it is in their interest not to deal with certain other people, and cases in which a group of people get together and, for some selfish or malicious or destructive purpose, will not deal with a certain group of people?

Mr. BALL. Mr. President, I should like to ask the Senator a question, in view of his reference to this terrible use of the injunction against labor unions. In the case of a monopoly such as the one which has been created in New York, and which has spread all over the coun-

try—a monopoly by the A. F. of L. Construction and Building Trades Union, who are beginning to use this secondary boycott technique to create monopolies—does not the Senator think that Congress must devise some effective way to stop those monopolies, if we are to retain the free flow of commerce which has made this country great and strong?

Mr. PEPPER. Mr. President, when the Senator from Minnesota has devised a scheme that will stop other effective monopolies which for a century have been spreading all over the United States from New York, I shall be willing to vote for this proposal.

Mr. BALL. Mr. President, if the Senator has any amendment to the antitrust laws that will make them strong, or if he will propose added appropriations, if they need more appropriations, let me say that the Senator from Minnesota will support such a movement 100 percent, because I think monopoly is the most dangerous trend in our economy, and it has been tremendously reinforced during the recent war.

I am entirely in favor of doing that. But, unfortunately, the Department of Justice has been settling all such antitrust suits by consent decrees, instead of really breaking up the monopolies.

Mr. PEPPER. Yes; and if the Senator would examine every one of the cases which the Department of Justice has settled, he would see that a plausible case was made as to why the case should be settled. I do not charge, and I am sure the Senator from Minnesota does not charge, any corruption on the part of the Government's representatives; but that situation emphasizes what I am trying to point out, namely, that it has been so difficult to write a law which would draw such a fine line of distinction as to enable the Government to destroy a wrongful monopoly and to preserve a rightful business combination, that we never have been able effectively to enforce the antitrust laws against big business.

Therefore, I say it is not fair to adopt the amendment. I say that the number of abuses on the part of labor organizations and labor unions and organizations of workers are not sufficiently appreciable in volume and in significance to justify the harm which will be done to organized workers by the adoption of this amendment.

Mr. BALL. Mr. President, if it is the Senator's contention that the antitrust laws are ineffective against business monopolies and cartels and trusts, then this amendment certainly will not hurt unions, because it applies to unions exactly the same standards as the ones which are applied to industry.

Mr. PEPPER. Yes; but I am not at all sure that there will always be the charitable application of it to labor unions that there has been to big business.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McMAHON. Bearing out what the Senator has said about the impossibility of trying these cases by the Department of Justice, from my experience I say it would take a $50,000,000 appropriation to try the consent cases, instead of getting consent decrees.

Mr. PEPPER. I am glad to have the Senator confirm what I tried to suggest.

Mr. McMAHON. If this amendment were restricted solely to unions engaging in secondary boycotts or similar processes, would the Senator be in favor of the amendment?

Before the Senator answers that question, let me state that in my home town there is a concern which manufactures electrical appliances. That concern is CIO. When it attempted to ship its products into New York, it found that the members of another union refused to install the fixtures. What provision of the amendment would apply to a wider operation than simply one of union against union?

Mr. PEPPER. I think it covers other things besides merely union against union.

Mr. McMAHON. Let me ask the Senator another question. I know he does not think well of that kind of procedure.

Mr. PEPPER. I certainly do not condone the practice mentioned; of course not.

Mr. McMAHON. And it certainly would result in a very great break in our industrial progress, it seems to me. It is a very deplorable situation. It is the law of the claw and the hammer and the tooth. What in this amendment, in the opinion of the Senator, goes further than to stop that practice, and that practice alone?

Mr. PEPPER. Mr. President, in the first place I believe there is language in the amendment which may be interpreted as being broader than union against union. In the second place, one of the principal objections to the amendment lies in the fact that for the first time it would put labor unions, although possibly to only a small degree, within the coverage of the Sherman Antitrust Act. The amendment would be the same as the camel who puts his head under the enforcement tent, so to speak, and would be the beginning of what some of us feel would result in a virtual hamstringing and restricting of the freedom which labor unions deserve to have. At the present time the antitrust law, as declared by the Supreme Court, does not apply to labor unions and their activities. Therefore, an injunction would not lie against them.

Mr. McMAHON. Mr. President, I understood that under this amendment unions would be prevented from exercising a secondary boycott against the products produced by members of another union. I agree with the philosophy of the Senator to the extent that we should not make the law fully applicable to labor unions, and I would oppose it on that ground as vigorously as would the Senator. But we are dealing with an existing evil. What I am trying to find out is, What does the proposal do to labor except to prevent one union from boycotting the products which are produced or manufactured by the members of another labor union?

Mr. President, allow me to read from page 2 of the amendment, beginning in line 9. The language to which I refer reads as follows:

> It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—
>
> (1) by strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

Mr. President, that language could just as well be directed at an employer as it could be directed at a union. In other words, let us cite an example. Let us consider the city of Seattle, Wash., where the teamsters' union is strong under the very able leadership of Dave Beck. Let us assume that an effort is being made to unionize a certain factory in that city. Let us assume further that there is a valid but bitter labor fight being waged against the manager of that factory, and that he is viciously and stubbornly antilabor in his sentiments, and, moreover, has stated that he will not deal with labor, and will wage a nasty fight against labor organizing the plant. Let us assume further that the teamsters' union says, "We believe in organized labor. We believe that management has been unfair in denying the workers in this plant the right to organize, and we will not haul its products."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. Yes.

Mr. TAFT. What is the National Labor Relations Board for? The way to deal with a situation of that kind is to let the National Labor Relations Board deal directly with the manager of the plant. If the teamsters are to be permitted to do anything like what the Senator has described, they can also hold up the manager because he has in his plant a CIO union, or a company union, or because they do not like the manager for some other reason. Therefore, the industry is at the power of the union and it may be ruined, just as a small dairy in Connecticut was ruined.

Mr. PEPPER. For that matter, the unions can also oppose us Senators. They can put up money against us, and speak against us, and have advertisements against us printed in the newspapers, because we are Republicans or because we are Democrats, or because we have black eyes or blue eyes, or because we are bachelors or are married. Today I may go to the assistance of any person whom I wish to help who is engaged in a fight.

Whether I wish to help him or not is a matter of my own business. Is there any law that would prevent me from going to the side of the Senator from Connecticut, for example, if I wished to help him in a battle in which he was engaged? No. Yet, because the teamsters wish to help other workingmen in a battle in which they are engaged with an employer who deals with them unfairly, we say

that it is illegal. We tell them, "We will put you in the penitentiary. We will subject you to an injunction suit and contempt of court. We will not allow you to help your fellow workers." I agree that there are many cases of abuse of the secondary boycott. However, there are many instances of the abuse of other rights, but we should not destroy a right in order to get rid of a wrong.

Mr. McMAHON. Mr. President, has the Senator thought of any language which might be suggested which would limit the application of the amendment strictly to the boycott of one union against another?

Mr. PEPPER. The Senator from Florida has no such amendment to propose. As I have said, there have been abuses. I admit that there have been abuses, and wish that they had never taken place. However, I do not know how to write a law which will separate the chaff of abuse from the wheat of right. We do not destroy wheat because it happens to contain a little chaff.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. MORSE. I do not know whether I should propound the question to the Senator from Florida, to the Senator from Minnesota, or to the Senator from Ohio? If either the Senator from Minnesota or the Senator from Ohio wish to join in the answer to the question, I shall appreciate it very much.

In prefacing my question——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Chair announces that under the rule the time of the Senator from Florida has expired.

Mr. PEPPER. Mr. President, I will take my time on the bill.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes on the bill.

Mr. PEPPER. I believe that I would rather not take all of my time on the bill at this point in the debate. I have been rather generous in yielding because we were conducting an interesting discussion on this subject.

Mr. McMAHON. Mr. President, in view of the importance of the debate, I ask unanimous consent that the Senator from Florida be allowed to proceed for 5 minutes in discussing this amendment.

Mr. TAFT. Mr. President, I object. That would be setting a precedent which should not be set.

Mr. PEPPER. Mr. President, if my time has expired, very well. I fell into the error of overgenerosity in yielding to my colleagues, but I hope that it contributed to the discussion.

The PRESIDING OFFICER. The Senator has 30 minutes on the bill.

Mr. PEPPER. I will take a portion of that time. Are books being kept on the time which a Senator consumes? [Laughter.]

The PRESIDING OFFICER. The Chair is advised that the Senator has a right to make only one speech on the bill, whether he consumes 30 minutes or less.

Mr. PEPPER. Cloture is not now in effect. I believe we are operating under the unanimous-consent agreement, so I have 30 minutes in which to speak on any amendment and, of course, 30 minutes on the bill.

Mr. President, if I have fallen into the error of giving up a few minutes of my time in allowing the discussion to take place which has already ensued, I might be found guilty of the same vice in connection with any further discussion, and therefore I shall not speak further at this time.

Mr. PEPPER subsequently said: Mr. President, due to the limitation of time and my frequent yielding, I did not finish, during my discussion of the previous amendment, a prepared statement. I now ask unanimous consent that it may appear in the body of the RECORD as a part of my statement.

The PRESIDING OFFICER. Without objection, the unanimous consent request is granted.

The remainder of Mr. PEPPER's statement is as follows:

The gentlemen of the Senate have probably had their attention focused on jurisdictional boycotts where employees refuse to handle goods which have been worked on by members of a rival union. It is well not to forget that the labor boycott began as an effort by labor unions to protect hard-won union-wage standards and working conditions from the depressing influence of the sweat-shop conditions in many nonunion businesses. Many boycotts even today are purely defensive and are carried on for this purpose. As such they have a beneficial influence on society because they support better wages, and better working and living conditions for everyone. In its attempts to attack certain activities practiced by unions in some severe jurisdictional contests, the Congress should not outlaw the use of defensive measures which are morally just, socially beneficial, and legally right. In the words of Justice Brandeis:

"When centralization in the control of business brought its corresponding centralization in the organization of workingmen, new facts had to be appraised. A single employer might, as in this case, threaten the standing of the whole organization and the standards of all its members; and when he did so the union, in order to protect itself, would naturally refuse to work on his materials wherever found. When such a situation was first presented to the courts, judges concluded that the intervention of the purchaser of the materials established an insulation through which the direct relationship of the employer and the workingmen did not penetrate; and the strike against the material was considered a strike against the purchaser by unaffected third parties. * * * But other courts, with better appreciation of the facts of industry, recognized the unity of interest throughout the union and that, in refusing to work on materials which threatened it, the union was only refusing to aid in destroying itself." (*Duplex Printing Press Co.* v. *Deering*, 254 U. S. 443, ct. 482 (1920).)

The other half of Mr. BALL's proposal would forbid combinations of labor unions with employer groups to fix prices, allocate customers, and restrict markets. I do not need to say any more about this provision than that it is unnecessary, as the Supreme Court has already decided that combinations of this kind, when they restrain or impede interstate commerce, are in violation of the antitrust laws.

The proposal of the Senator from Minnesota would in addition to providing treble damage suits, restore the use of the labor injunction. Under the Norris-LaGuardia Act injunctions are still permissible, subject to carefully drawn restrictions to prevent irreparable injury brought about by illegal means or for unlawful ends. The chief purposes of the act were to prevent the improvident use of ex parte injunctions, and to protect certain types of union activity from judicial restraint under all circumstances. To restore the untrammeled use of the injunction in labor disputes will be repetition of one of the most disgraceful periods in the history of our country. The injunction can be beneficial as the means of preventing persons from committing unlawful acts but, as a device for forcing people to work, it is an insidious device to deny to free Americans their constitutional rights against involuntary servitude. There are cases in the Federal courts of temporary orders being issued restraining persons from feeding strikes or giving them any encouragement verbal or otherwise, restraining strikers from conducting church services, restraining strikes—

"From disbursing any funds for any further appeal bonds, attorney services, court costs, or otherwise for the purpose of enabling, aiding, encouraging or procuring any person to occupy against the plaintiff's will any such mining houses of plaintiff; from signing any further appeal bond or depositing, providing, or furnishing security for such appeal bond to prolong or aid in litigation respecting the possession of said houses." (Frankfurter and Geeene, The Labor Injunction, p. 101, from case in footnote.)

I do not believe that Senators want to make themselves parties to any action which would again commit the United States Government to a course of denying American citizens their rights as freemen.

I hope that the members will see that this move to apply the antitrust laws to labor unions is not an attempt to control the excesses of labor but is rather an effort to strike at all labor unions under the guise of legislation outwardly aimed at the abuses practiced by a small minority.

I urge the Senate to reject this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] for himself, the Senator from Ohio [Mr. TAFT], and the Senator from New Jersey [Mr. SMITH].

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hatch	O'Mahoney
Austin	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hickenlooper	Reed
Brewster	Hill	Revercomb
Bridges	Hoey	Robertson
Briggs	Huffman	Russell
Buck	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Smith
Byrd	Knowland	Stanfill
Capehart	La Follette	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Utah
Donnell	McFarland	Tobey
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Mead	Walsh
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Gerry	Morse	Wilson
Green	Murdock	Young
Guffey	Murray	
Gurney	Myers	

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Minnesota [Mr. BALL], and other Senators, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MEAD (when Mr. WAGNER's name was called). My colleague, the senior Senator from New York, is unavoidably absent. If he were present and voting he would vote "nay."

The roll call was concluded.

Mr. REED (after having voted in the affirmative). I have a general pair with the senior Senator from New York [Mr. WAGNER]. I thought he was present. He was in the Chamber very recently. However, on this vote I transfer my pair to the Senator from Nebraska [Mr. BUTLER], and let my vote stand.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from Montana [Mr. WHEELER] is unavoidably absent.

The Senator from Colorado [Mr. JOHNSON] and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

I also announce that if present and voting, the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] would vote "yea," and the Senator from Colorado [Mr. JOHNSON] and the Senator from Montana [Mr. WHEELER] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from Delaware [Mr. BUCK] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 53, nays 24, as follows:

YEAS—53

Andrews	Gerry	Reed
Austin	Gurney	Revercomb
Ball	Hart	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Saltonstall
Brooks	Hayden	Smith
Bushfield	Hickenlooper	Stanfill
Byrd	Hoey	Stewart
Capehart	Huffman	Taft
Capper	Johnston, S. C.	Tobey
Connally	Knowland	Tydings
Cordon	Lucas	Vandenberg
Donnell	McClellan	Wherry
Eastland	Millikin	White
Ellender	Moore	Wiley
Ferguson	O'Daniel	Wilson
Fulbright	O'Mahoney	Young
George	Overton	

NAYS—24

Aiken	La Follette	Morse
Barkley	Langer	Murdock
Briggs	McCarran	Murray
Downey	McFarland	Myers
Green	McMahon	Pepper
Guffey	Magnuson	Taylor
Hill	Mead	Thomas, Utah
Kilgore	Mitchell	Walsh

NOT VOTING—19

Bailey	Glass	Thomas, Okla.
Bankhead	Gossett	Tunnell
Bilbo	Johnson, Colo.	Wagner
Buck	McKellar	Wheeler
Butler	Maybank	Willis
Carville	Radcliffe	
Chavez	Shipstead	

So the amendment of Mr. BALL and other Senators was agreed to.

Mr. EASTLAND. Mr. President, on behalf of the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Mexico [Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], the Senator from Oklahoma [Mr. MOORE], the Senator from Ohio [Mr. TAFT], and myself, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 26, beginning with line 19, it is proposed to strike out down to and including line 8, on page 27, and in lieu thereof to insert the following:

INTERFERENCE WITH TRADE AND COMMERCE

SEC. 6. The act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 ed., title 18, secs. 420a–420e), is amended to read as follows:

"TITLE I

"SEC. 1. As used in this title—

"(a) The term 'commerce' means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term 'Territory' means any Territory or possession of the United States.

"(b) The term 'robbery' means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"TITLE II

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935."

Mr. PEPPER. On that amendment, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Oklahoma [Mr. THOMAS] is unavoidably detained.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also wish to announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD] and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from Delaware [Mr. BUCK] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 59, nays 22, as follows:

YEAS—59

Andrews	Fulbright	McClellan
Austin	George	McMahon
Ball	Gerry	Millikin
Barkley	Gurney	Moore
Brewster	Hart	O'Daniel
Bridges	Hatch	O'Mahoney
Brooks	Hawkes	Overton
Bushfield	Hayden	Reed
Byrd	Hickenlooper	Revercomb
Capehart	Hill	Robertson
Capper	Hoey	Russell
Connally	Huffman	Saltonstall
Cordon	Johnson, Colo.	Smith
Donnell	Johnston, S. C.	Stanfill
Eastland	Knowland	Stewart
Ellender	Langer	Taft
Ferguson	Lucas	Tobey

Tydings	Wherry	Wilson
Vandenberg	White	Young
Walsh	Wiley	

NAYS—22

Aiken	McFarland	Pepper
Briggs	Magnuson	Shipstead
Downey	Mead	Taylor
Green	Mitchell	Thomas, Utah
Guffey	Morse	Wagner
Kilgore	Murdock	Wheeler
La Follette	Murray	
McCarran	Myers	

NOT VOTING—15

Bailey	Carville	Maybank
Bankhead	Chavez	Radcliffe
Bilbo	Glass	Thomas, Okla.
Buck	Gossett	Tunnell
Butler	McKellar	Willis

So the amendment offered by Mr. EASTLAND on behalf of himself and other Senators was agreed to.

The PRESIDING OFFICER. The amendment of the committee is still open to amendment.

Mr. HATCH and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. HATCH. Mr. President, I merely rise to ask, What is the pending business?

The PRESIDING OFFICER. The committee amendment is now before the Senate and open to amendment.

Mr. LUCAS. Mr. President——

Mr. HATCH. I yield to the Senator from Illinois. I have been recognized, have I not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Does the Senator from Illinois desire that I yield to him?

Mr. LUCAS. I should like to have the floor in my own right.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LUCAS. Mr. President, on May 24 the Senator from Illinois submitted an amendment to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes.

That amendment briefly sets forth that, due to the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce, that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health and security.

The second section of the amendment provides as follows:

SEC. —. (a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

I shall not go into the amendment in detail, because I intend to withdraw it. However, I wish to say to the Senate that following the introduction in the first section, the amendment provided economic sanctions on both employer and employee. It provided that in the event the President should call the workers back to work after taking over the plant, it would be necessary for the workers to return; otherwise they would lose their rights under the Wagner Act, including seniority rights.

My amendment differs from the bill which was sent here today by the President of the United States, in that I seek to place the men back at work on the same pay basis on which they were working when they went out. If I correctly understand the bill recommended by the President, that is a question for collective bargaining between the Government of the United States and the employees. That is an essential and an important difference.

On the question of sanctions against the owner of the plant, I believe that the bill which has been sent here by the President is practically the same as my amendment. Sanctions would be applied to the owner of the plant, taking into consideration the fact that the plant was not operating because of the strike, as well as other factors, in determining the just compensation to be paid to the owner. In other words, the theory of the amendment is that if we apply such sanctions to employer and employee, there will be an incentive for them to bargain collectively, take the plant away from the Government, and put it back under private management, where it belongs.

There are several other features of the amendment. There is a penalty for the employer or union leaders coercing, intimidating, or conspiring to keep men from going back to work after the Government had requested them to go back. That provision is the same in the President's bill as in my amendment. The other features with respect to criminal penalties are practically the same. The only real difference is the one which I mentioned a moment ago, with respect to the rights of individuals when they go back to work, plus section 7 of the President's bill, which provides that under certain circumstances the President would have the right to draft those men into the Army.

Under those circumstances, and in view of the fact that the President has sent this emergency legislation here, it is the opinion of the Senator from Illinois that this legislation should not be attached to the pending bill. I had expected and hoped to offer it as an amendment to the pending bill, but the President, in no uncertain terms, has asked for immediate emergency legislation, and in my opinion, it would not be fair to him or to the country for me now to offer this amendment to the pending labor legislation. Under those conditions, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator is in control of his own amendment. If he desires to withdraw it, the amendment is withdrawn.

Mr. CAPEHART. Mr. President, I somewhat regret that the able Senator from Illinois has withdrawn his amendment. The other night I introduced a bill which was similar in most respects to his amendment, and a couple of days ago I sent to the desk and had printed an amendment which I had intended to offer. In many respects it is similar to the amendment of the Senator from Illinois.

I invite the attention of the Senate to one or two things. One is that the emergency measure which the President has asked us to pass, and which we hope to pass here tonight, will expire on June 30, 1947. It would give the Government the right to seize any profits which might be made from any facility, manufacturing concern, or mine which the President might take over. If it is necessary at the moment to have emergency legislation as drastic as that which the President has asked us to pass—and one of the sections of the President's emergency bill is that he be given the right to draft men into the Army—and that measure is to expire on June 30, 1947, it seems to me that it would be just as wise to include the amendment of the able Senator from Illinois to the pending bill, because on July 1, 1947, there will be no law which will cover such a situation as that in which the country finds itself today. It seems to me that it would be wisdom on the part of the Senate to include this amendment as a part of the Case bill in order to take care, after July 1, 1947, of emergencies such as we face at the moment.

The amendment which the able Senator from Illinois has just withdrawn and the amendment which I hold in my hand, and which I had intended to offer, do not call for drafting men into the service. They do not call for many of the other drastic measures to be found in the President's bill.

I think it is a mistake not to include the amendment in the Case bill. However, since the senior Senator from Illinois, who is the real author of the amendment, has seen fit to withdraw it, I shall not offer my amendment, and I ask that it be withdrawn.

The PRESIDING OFFICER. The question recurs on the committee amendment as amended.

Mr. WILEY. Mr. President, I offer the amendment which I have heretofore submitted as one intended to be proposed by me, and which has been printed and lies on the table.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 19, line 14, it is proposed to strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, it is proposed to strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill it is proposed to insert the following:

SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public

health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., title 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term "carrier or carriers" shall mean the employer or employers parties to the dispute and/or their representatives; the term "employees" shall mean the employees parties to the dispute and/or their representatives; the term "board of arbitration" shall mean such boards established under this section; the term "Mediation Board" shall mean the Federal Mediation Board; and the term "chapter" or "act" shall mean this section.

(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however*, That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided, further*, That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective-bargaining contracts.

(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slow-downs of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties.

On page 7, after line 19, insert the following new subsection:

"(h) Notwithstanding the provisions of the National Labor Relations Act exempting employers subject to the Railway Labor Act, as amended, and subsections (f) and (g) of this section, any such employer who violates the duties imposed upon him by subsections (f) and (g) of this section shall be subject to the penalties therefor to the same extent and in the same manner hereinbefore provided for employers, and any employee of an employer subject to the Railway Labor Act, as amended, who violates the duties imposed upon him by the subsections aforesaid shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's violation occurred for the purposes of the Railway Labor Act, as amended: *Provided*, That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

(i) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof.

Mr. WILEY. Mr. President, last evening the President of the United States expressed in no uncertain terms the idea that the public interest is superior to that of any group or individual; and today, a little after 4 o'clock, I think he expressed quite clearly again the idea that no group or individual can interfere to the detriment of the public interest or the public welfare.

The only criticism I have to make of that statement is that it has been a long time overdue. The vast majority of our people, including labor itself, have long been demanding that there be placed on the statute books a clear, definite, and constructive pro-American labor policy, a policy which will make it clear and certain that the public interest is dominant when it comes in conflict with the interest of any other group.

As I listened to the President today, when he told us that it is our function to enact a constructive pro-American labor policy, I agreed 100 percent.

Mr. President, for 7½ years it has appeared to me that the Congress of the United States has been remiss in not placing on the statute books a compulsory arbitration law or statute which would apply to certain great industries, the stoppage of which would interfere with the economic and political life of this Nation. Over the years I have spoken for the need of enacting a legislative statement of a pro-American labor policy. The people have been calling for it. But there has been no leadership in the Roosevelt administration or in the present administration consonant with that idea, until last evening and today. The result has been, because of the majority control of both Houses of the Congress, that no such policy has been placed on the statute books.

I desire to compliment some of my brethren of the Senate, especially those of the minority of the Committee on Education and Labor who filed the minority views. I think they have not only sensed what the people of the Nation want but they have worked diligently and constructively, so that when they have translated that want into language, it is clear.

Today we have adopted amendments which were not born in haste, but which received the deliberate consideration of these Senators and others, not for a week or a month or a year, but for years. As for myself, the amendments which have been adopted today are in the record years back, showing what I felt was the public directive to the Congress.

Mr. REED. Mr. President, will the Senator yield?

Mr. WILEY. I yield for a question.

Mr. REED. Will the Senator from Wisconsin permit me to join him in his compliment to the minority members of the Committee on Education and Labor, which long has been the graveyard of all legislation intended to curb abuses of organized labor—the Senator from Ohio [Mr. TAFT], the Senator from Minnesota [Mr. BALL], the Senator from New Mexico [Mr. HATCH,] and the Senator from Virginia [Mr. BYRD]——

Mr. MURRAY. Mr. President——

Mr. WILEY. I yield for a question.

Mr. REED. May I join the Senator from Wisconsin in complimenting those Senators——

Mr. MURRAY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURRAY. I think the Senator is out of order in making accusations against the Committee on Education and Labor. The statements he is making are utterly false and untrue, and are a reflection on the chairman of that committee and other majority members of the committee. I want to point out that the committee has not held up a single piece of legislation since I have been chairman of it. It has reported more bills and has conducted more hearings than has any other committee of the United States Senate. I object to any Senator making false and untrue statements of the kind which the Senator has made. One Member of this body resigned from the committee today because of dishonest charges which have been made against the majority members of the committee. I resent the charges, and I believe that the Senator should be declared out of order and required to desist from making further charges of the nature to which I have referred.

The PRESIDING OFFICER. The Chair admonishes Senators to stay within the rules of the Senate.

The Senator from Wisconsin [Mr. WILEY] has the floor.

Mr. MORSE. Mr. President, I think the Senator from Wisconsin was making a speech at the time that he was interrupted by the Senator from Kansas.

Mr. WILEY. Mr. President, I yielded for a question. I was glad to have the Senator from Kansas join with me in complimenting the Senate for the constructive way in which it has attempted to express the intent of the people of the country through proper legislation.

Mr. President, I have spoken for many years of the need of a statement of policy. The people of the country have been calling for one, but there has been no leadership in the administration along that line. It is forthcoming now because of the crisis which confronts the country. If, as a result, Congress now has the "guts"—and I believe it has them—to define in legislation such a policy, the price which we have paid up to the present time may not have been too great. The distinguished Senator who now occupies the chair [Mr. TYDINGS] said today that approximately 75,000 persons in the city of Baltimore had been thrown out of employment because of the railroad strike. If we have now laid down a definite policy, a policy which is not antilabor or anticapital, but pro-American, and which will result in the requirement that organized labor be made amenable to the law, perhaps the price we have paid up to the present time is not too great.

Why, Mr. President, must we always pay a penalty like the one we are now paying? Leadership implies leading, not following. It implies the courage to speak, to define, and to inspire. The leadership which we have had during the past 24 hours should have been made manifest months ago. If it had been, the recent tremendous impediment to the prosperity and health of the Nation would not have blocked its path. The slow-down which took place in production, and our failure to meet the challenge of the dying in Europe, as well as our inadequacy to meet our own needs, could all have been averted.

Mr. President, I hope that labor will think the situation through. When the automobile strike occurred, the coal strike followed, and then the railroad strike. It should not have required a wise man to foresee what we were headed into. Yes, a little foresight would have enabled us to have seen that in the aftermath of war there would come more problems and more tragedies. It should not have taken an extremely wise person to see what we were about to encounter. The gestapo methods resorted to by labor unions, the coddling of this or that group, the hobnobbing of our officials with labor princes and allowing them to define policy, all foreshadowed coming events. No, it did not take an extremely wise man to foresee what we were heading into.

Mr. President, the bill which we are to write should, in my opinion, provide machinery for the use of compulsory arbitration after other measures to be outlined in the bill have been utilized.

Mr. REED. Mr. President, will the Senator yield?

Mr. WILEY. I yield for a question.

Mr. REED. I wish once again to join the Senator in including the name of the Senator from Louisiana [Mr. ELLENDER] on the roll of honor of Senators who have done magnificent work in connection with the legislation which we are about to pass.

The PRESIDING OFFICER. Without objection, the name of the Senator from Louisiana will be entered on the roll of honor. [Laughter.]

Mr. WILEY. Mr. President, I am happy to have heard the Senator from Kansas make the suggestion he made, and I hope that it will be appropriately attended to.

Mr. President, I shall state the basic provisions of the amendment I have proposed to the bill. I read from the amendment:

SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

The bill should provide machinery which will be adequate to the occasion after all the previous steps have failed. If, during the period of arbitration, there should occur a breach on the part of either the employer or the employee, what would take place? The penalties which are provided by the Ball and Taft amendments as adopted today, would take effect. If a breach occurred on the part of the employee pending arbitration, he would lose his status as an employee, under sections 8, 9 and 10 of the National Labor Relations Act. If a breach occurred on the part of the carriers, the same penalties would apply.

That is, it would be an unfair labor practice for the employer and employee, and the employee would lose status as an employee for the purposes of the Railway Labor Act.

Mr. President, that is practically the same penalty that was suggested by President Truman today in his address, though he proposes additional penalties about which I am very doubtful. I refer to the penalty for breach of the award of arbitration after the award has been made. If there were a breach again, the same penalties are here provided.

Someone might say they are not sufficient, that they are not strong sufficiently. I would rather have it so that they would be coincidental with what has been provided already today in the preceding portion of this law. If after trial and error it is found that they are not adequate, then the Congress of the United States can well design other penalties.

The loss of an employee's status would be a rather mild sanction, some persons might contend, but I think it would be pretty tough. I think men would hesitate.

Mr. President, that is not all. When I become involved in a little difficulty with another man, we have an arbitrator, for we agree that the legal institutions of the Nation, the courts, shall de-

termine the case, and, what is more, there are tens of thousands of voluntary arbitrations. The bill provides for voluntary arbitrations, but if that fails, in the last analysis the public interest demands, and it has the right to demand, that Congress write into legislation a provision with teeth in it so that we will not again be compelled to go through the soul-searing experience which has been forced upon us in the last 10 days, and so that it will not be necessary for the President of the United States to come before Congress and tell us to pass a bill authorizing him virtually to become a dictator, to take over men and induct them into the armed services.

Mr. President, I think it will be found that the people of this country want us to step out, and, in the case of the large industries, involving the public health and safety, to build a structure which will stand the gaff. Employees will follow the course now provided, they will try the method of voluntarily dealing with one another; but if voluntary arbitration does not work, then we will face another railroad strike, another coal strike, and strikes in great institutions such as the meat-packing industry.

No; let us do the job, let us build into this very measure this provision which as a last resort may be utilized by industries in which the public interest is dominant, and which at long last the President has recognized as dominant.

I want machinery on the books which will provide for compulsory arbitration. Let the penalties, if any desire to call them such, as I have said, be mild at the start. I agree that reason and judgment and good will can do much more than arbitrary action, but I know that, living in the world as it is now constituted, government must not only have the guts to carry on, but the power to do so, and that teeth are required in legislation for that purpose.

Mr. President, if it should be found that the penalties provided for breach of duty pending arbitration, or for breach of duty after award is made, are not sufficient, once we have the machinery set up it is a simple matter to provide more drastic penalties.

I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. THOMAS of Utah. Mr. President, I wish to be heard on the pending amendment, and to speak against it.

The Senator from Kansas [Mr. REED] interrupted the Senator from Wisconsin while the Senator from Wisconsin was defending an amendment which would bring about, or attempt to bring about, compulsory arbitration in the United States. The Senator from Kansas, of course, did not interrupt the Senator from Wisconsin in order to engage seriously in the debate. If he had done so he would have said that the State of Kansas tried compulsory arbitration, and discovered that it was a complete and absolute failure and that the citizens of Kansas repudiated the experiment.

Sometimes we become historic-minded, as the Senator from Kansas thought he was when he cast reflections upon one of the committees of the United States Senate, and mentioned the fact that it was a graveyard of labor legislation. I consider it one of the greatest compliments that have ever been paid a committee of the United States Senate to have a man speak with such gross ignorance, and such a failure to refer to the truth. I consider it a great honor when a man of that kind talks about what he may term the "shortcomings" of the Committee on Education and Labor.

Mr. President, I am very proud of the measures the Committee on Education and Labor has reported to the Senate and the laws which have come into effect as the result of the action of that committee. I am proud of the National Labor Relations Act. I am proud of the Fair Labor Standards Act. I am proud of the fact that that committee reported to this body a Federal aid-to-education bill, and the Senator who asked the Senator from Wisconsin the question, with all his might and with all his strength and with all his ability, killed that bill. He may be proud of what he has done, but the people of Kansas are not proud of it.

I am proud of the fact that the United States Housing Authority had its origin in that committee. I am proud, above all things, of the great bills dealing with the whole subject of housing that have been enacted as the result of the action of that committee. We never would have had the housing legislation which was passed by this body within the last few weeks if it had not been for the great work, the pioneering work, carried on by a subcommittee of that committee. All the constructive legislation dealing with slum clearance, with the attempt to bring about better housing, and with what has resulted in a magnificent housing act, came out of that committee. I am not unmindful of the fact that the committee reported to the Senate a codification of the United States health laws, made a review of the laws of the country which had been in existence before the Constitution was adopted, and brought about the most progressive and most forward-looking legislation in regard to health the country has ever had. I might go on and enumerate other measures. The fact that there are some men in the United States who are opposed to every humanitarian piece of legislation that is suggested is no sign that that committee has been a burial place.

Now let me call attention to a few other matters. The President of the United States in his message to us today said that he was very happy that labor was able to sustain the gains which these laws had given it. Everyone knows that if the Committee on Education and Labor had not tried to stand by the law of the land, had not resisted amendment of the Fair Labor Standards Act, had not resisted amendment of the National Labor Relations Act, had not resisted all the amendments which would have nullified that act, the President could not have said what he stated to us today, and that labor could not justly have been rebuked, as labor has justly been rebuked by the action of the President and the action of the Congress because it went too far. If we had not given labor the reforms to which it was entitled, if we had not passed the Railway Labor Act, if we had not passed the National Labor Relations Act, if we had not given labor those things that justly belong to it, how in the wide world could we say that labor, when it acts contrary to the public interest, must be rebuked?

Mr. President, I wish to make a point against the amendment, and it comes as a result of the President's message. First, he has asked for a joint committee to consider constructive labor legislation.

For many years I was chairman of the Senate Committee on Education and Labor. That committee has always stood ready to consider and to report a bill dealing with national labor policy. I have offered my services there in that connection, just as I offered my services with respect to military policy in the Military Affairs Committee. A bill to carry out such a policy has not been accepted.

Mr. President, I wish to say, however, that it is not a proper function of that committee to destroy that which has been gained after many years. Month after month, and year after year, we have sat in the Senate Chamber and allowed persons to say that bills were being buried in the Labor Committee; that bills were not being considered in the Labor Committee. The bills referred to were not even before the Labor Committee. Columnists have made statements that bills were being buried in the Labor Committee, radio commentators have said the same thing, and Senators on the floor had said the same thing.

Mr. President, the Smith-Connally measure was not before the Labor Committee, as everyone knows. The Smith-Connally measure was an amendment to the Selective Service Act. It was not even before the Military Affairs Committee. It was before the Committee on the Judiciary. Yet while the Committee on the Judiciary was handling that measure the Committee on Education and Labor was accused of burying the legislation.

Mr. President, I am very proud of what we have accomplished in the Committee on Education and Labor in the past 12 or 14 years, and I use the record of our accomplishment, which I presented earlier, as an argument against the adoption of the amendment which is now pending before us.

Mr. President, if Congress is going to adopt the concurrent resolution already adopted by the House of Representatives, and if we are going to have a Joint Committee on Labor to consider an American labor policy, it seems to me it is time for us to stop adopting piecemeal amendments of the type which are being offered to the pending measure. Already the bill has been so overloaded with amendments that its original sponsors are going to be a bit sorry if the measure is passed. We are considering now permanent legislation. We are considering it in the face of the fact that the President wants a

committee appointed to consider permanent legislation. That has not been done. I trust the amendment will be voted down.

Mr. President, while I am on my feet I desire to talk about the other side of the President's recommendation. I want to point out a paragraph in the President's message as follows:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

There is no doubt in my mind but that the President echoed the wishes of practically every man, woman, and child in the United States, including most of the men out on strike.

That is the purest and best kind of Americanism coming from the man who is responsible for the safety and the welfare of the American people. I am willing to accept the President's proposals under the philosophy of that paragraph.

But, Mr. President, in justice to myself, in justice to a bill with which I have had much to do, in justice to a law which is now in operation, I want to say that if the time ever comes when the President has to enforce the whole of the law which he has today recommended, he will do violence to one of the greatest traditions of our land, and will do an injustice to that great body of men who have so nobly served their country. There is no doubt in my mind that the legislation which the President presented to us seem to him to be necessary, as so clearly set forth by him in the paragraph I just read. I am willing to accept it.

But, Mr. President, section 7 of the President's recommended legislation is as follows:

> SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into the Army of the United States at such time, in such manner (with or without an oath) and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Mr. President, I am sure that that provision will never be enacted. I am sure that if we pass this bill tonight the President, having a certain number of days in which to sign it, undoubtedly will veto the measure because of that very provision.

I have always understood that it was an honor to serve in the Army of the United States, and I resent, and resent to the fullest, induction into the Army of the United States to be used as a penalty to punish men who are out of harmony with the will of the President. The philosophy of this provision in the Presidential recommendation is so grossly out of harmony with everything we have done in the Selective Service Act that I simply cannot vote for it without calling attention to it.

A man would be inducted into the Army of the United States, under this provision, "with or without an oath." If that language is placed in the bill with the same meaning as the provision respecting affirmation instead of taking an oath to uphold the Constitution of the United States, very well. But is a man so inducted to become a soldier of the United States? Is he to become eligible for all the advantages which are given soldiers of the United States, rewarded as a veteran, given his education fee, and given hopitalization for the rest of his life? All those advantages would accrue to him as the result of his being punished.

Mr. President, whenever we step over the bounds and permit to be used as a means of punishment those things which are great honors and which we have always honored, we make that type of mistake which we have made so many times in connection with the amendments which were offered and accepted by the Senate in the last few hours.

Mr. President, a Federal judge in the kindness of his own heart, when he was called upon to sentence a boy who was out of harmony with society, instead of sending him to a penal institution or to a reform school, instructed that he be inducted into the Civilian Conservation Corps. That judge thought he was doing the boy a kindness, but he was doing the Government of the United States a great injustice. Mr. President, even the CCC—if I may be excused for using the word "even"—realized that if that great institution were allowed to be used by a judge of the United States or by an officer of the United States as a medium for punishing delinquent boys it would ruin everything the United States was trying to do under the CCC Act.

Mr. President, I know that I need not argue longer on this point. I am not going to oppose this measure. I am going to vote in toto for the President's recommendation, and I am going to do it wholly because it is emergency legislation, and I hope all Senators will do it in exactly the same spirit. But if this temporary legislation, which is drawn up for the purpose of taking care of a given emergency, is studied from beginning to end we are not going to be very happy with respect to many of its sections or many of its parts. The motive behind it is proper. The motive behind it is pure; the motive behind it is constructive, but if all the details in the bill are ever put into force, and especially if we decide that as a form of punishment a person must wear the uniform of the United States, then Mr. President, we will do violence to some of the finest things our country has yet produced.

So, Mr. President, I close by reiterating that I shall support the recommendation of the Interstate Commerce Committee only on one theory, and in keeping with the President's request. At times such as these the all-important thing is that the Congress of the United States and the President of the United States shall show a united front and step forward with a united front. That is more important than anything else. It is important, as the Senator from Wyoming [Mr. O'MAHONEY] said today, that we say for all time, for always, that the whole is always greater than any of its parts. If we allow that whole to be separated in time of emergency, if we allow it to be challenged, if we allow any division between any of the parts of the American Government when it comes to taking care of the people of America, we do violence to our oaths and to the purpose for which we were sent to Congress.

Therefore, Mr. President, I shall support the President's recommendation. I shall support the recommendation of the Committee on Interstate Commerce, because I know that no one in the United States could speak from better experience. I know that if it had not been necessary for the President to say what he said, he would not have spoken. He said:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY].

Mr. REVERCOMB. Mr. President, I have been standing here for some time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. REVERCOMB. I wish to address a question to the able Senator from Utah. If I correctly understood him, I was very much interested in his statement with respect to that part of the President's bill which deals with putting men in the Army if they stop work. I am thoroughly in accord with the first views expressed by the able Senator, when he said that he did not agree with that method, and that he deplored the idea of using membership in the Army as a means of punishment. Was I correct in understanding the able Senator to say that he believes the President of the United States will veto the bill if Congress passes it?

Mr. THOMAS of Utah. I am sure the President is no prouder of that piece of legislation as permanent legislation than we are. He stressed the fact that it was temporary. If the objective has already been reached, it seems to me that it would be just as well to let the temporary piece of legislation die. We have shown by our actions so far today, and the President has shown by his actions, that when once the people of the United States become united in an idea they respond to it very quickly. That was the President's objective. He came to us to try to overcome a strike. The strike was overcome.

Mr. REVERCOMB. I understood the Senator to say forthrightly that it was his belief that the President would veto the bill. I should like to ask the able Senator how he can consistently say that, when this temporary piece of legislation was sent here by the administration to be passed by the Congress. Would the President send a piece of legislation here and then veto it if the Congress should pass it? Is that conceivable?

Mr. THOMAS of Utah. The President told us in his message that he had two

propositions, one temporary and the other permanent; and in the paragraph which was read the President justified sending the proposed legislation to us only on the score that an emergency is present, and that it is time for the people of the United States to speak as a unit with regard to that emergency. The people of the United States spoke as a unit when the President spoke; and almost before he had finished speaking the strike was over. We cannot do any better than that by any kind of law. The purpose having been accomplished, the President surely would not want such a law.

Mr. REVERCOMB. I say to the able Senator that I do not feel that he has answered my question, as to whether the President would think of vetoing his own legislation. If I correctly understood the Senator, he said that the bill would be vetoed.

Mr. THOMAS of Utah. Mr. President, in order to make it more plain, I will say that the President of the United States has not spoken to me. The President of the United States has not said that he would veto the bill. The President of the United States did say why he proposed the legislation. If I were President of the United States, and I had done what the President did, and the Congress of the United States had responded to my request, with all the things having been accomplished that I intended to accomplish, before I would allow such a bill to become a law of the United States I would veto it. When I say "I" I mean ELBERT THOMAS. I know nothing about how the President will react.

Mr. REVERCOMB. I am glad to have the views of the able Senator, who says that he would veto it if he were President. But I understand him to say that he intends to vote for it as a Member of the Senate.

Mr. THOMAS of Utah. I am very sorry if the Senator from West Virginia was not present during the earlier part of my remarks. I justified voting for it on one single score. The Senator from West Virginia may prove me inconsistent or illogical; but this is what the President said:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action, you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

That is my platform. It is only under those conditions that I would accept legislation of this type.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield for a question?

Mr. REVERCOMB. Mr. President, I rose to ask the Senator from Utah a question. In connection with the new bill of the President, which I understand we are to consider shortly, the subject of one of its provisions was discussed, namely, that if men quit work they would be placed in the Army of the United States and subjected to military discipline, military law, and military force. I heard the remarks of the able Senator from Utah when he said that he did not like it, as I understood him. I was thoroughly in accord with that view. Then later I heard him say that he would vote for it, regardless of his view upon it.

I wish to say that so long as there is a provision of this kind in the bill, which would place men in the Army of the United States because they will not work, and subject them to military law, military punishment, and the orders of the military, I cannot support such a measure. That is my position upon it. I want to meet the present situation as much as anyone does. My vote here today has displayed my views upon the great crisis which is before us, and how we must meet it. Since this question has arisen, and since there is contained in the bill sent here by the President, as I understand, the provision that men will be inducted into the Army by way of punishment, I hope that it will not pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY].

Mr. MURRAY. Mr. President——

Mr. PEPPER. Mr. President——

Mr. WILEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURRAY. Mr. President—Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the Clerk will call the roll.

Mr. MURRAY. Mr. President, the Chair cannot put the question to a vote until I am heard.

The PRESIDING OFFICER. The Senator will take his seat. The Chair announced that the yeas and nays were ordered, and directed the clerk to call the roll.

Mr. MURRAY. But, Mr. President, I wish to be heard.

The PRESIDING OFFICER. Then the Senator should address the Chair.

Mr. HATCH. Mr. President——

Mr. PEPPER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. With all respect to the able Presiding Officer, before the question was put the Senator was trying his best, in a loud voice, to attract the attention of the Chair.

Mr. MURRAY. They could hear me all over the galleries.

(Manifestations of applause in the galleries.)

The PRESIDING OFFICER. The Chair did not see the Senator from Montana rise. The Senator held up his hand, and the Chair assumed that he only wanted the yeas and nays.

Mr. MURRAY. I will get the Chair a pair of goggles.

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator is out of order, and will take his seat.

Mr. PEPPER. Mr. President, I move that the Senator be permitted to proceed in order.

The PRESIDING OFFICER. The Senator may proceed in order, and he will be put in his seat as soon as he makes any more such remarks.

Mr. MURRAY. Mr. President, a similar situation occurred earlier in the evening, and I was justified in feeling that it was occurring again when I was not recognized by the Chair.

The PRESIDING OFFICER. The present occupant of the Chair has never failed to recognize the Senator. If he had not had his arm extended as he addressed the Chair, the Chair would have assumed that he was rising for some other purpose.

Mr. MURRAY. I thought that inasmuch as the Chair did not appear to hear me, he might at least see me if I stretched out my arm.

The PRESIDING OFFICER. Usually a Senator does not obtain recognition by being an acrobat.

Mr. MURRAY. No; but by yelling at the top of my voice I thought possibly I might be heard.

Mr. President, during the course of the evening and on several other occasions recently reference has been made to the Committee on Education and Labor as having been a graveyard for important labor legislation as well as other legislation. I wish to say that such statements with reference to the Committee on Education and Labor are absolutely untrue. The committee has acted promptly on every piece of legislation that has been referred to it, and I believe has reported more bills to the Senate than has any other committee of the Senate. I hold in my hand the legislative calendar of the Committee on Education and Labor. If anyone will refer to it he will find a list of important bills which were referred to the committee, and afterward reported to the Senate.

The Senator from Minnesota [Mr. BALL] will recall that I agreed to hearings, and sent out notices for hearings on the so-called Ball-Burton-Hatch bill, beginning October 21, 1945. Subsequently, at the request of the Senator from Minnesota and the Senator from New Mexico [Mr. HATCH] I canceled those hearings.

Shortly thereafter the President's Labor-Management Conference was held in Washington. When the sessions of that conference were concluded and it had not accomplished as much as the President and many of us had hoped it would accomplish, within a week or two the President sent a message to Congress on the subject of providing adequate means for settling industrial disputes. The message was referred to the Committee on Education and Labor; and on December 6 the Senator from Louisiana [Mr. ELLENDER], a member of the committee, introduced Senate bill 1661, the fact-finding bill. An executive session of the committee was promptly held to consider the President's message. At that meeting the majority of the committee felt that the committee should hold limited hearings and should atempt to report a bill along the lines of the

President's recommendations, before the Christmas holidays. At that meeting it was the Senator from Minnesota [Mr. BALL], who most strenuously objected to our hurried consideration of the fact-finding bill, and he stated—and properly so, I believe—that the problem of labor relations was such a difficult and complicated one that we would have to hold hearings for at least 2 or 3 months in order to give the problem the kind of consideration it deserved, in order to do justice to it.

In order to assist the President in meeting the situation which already was looming larger and larger every day, the committee voted, in its desire to act expeditiously in regard to the matter, to confine its hearings to the Ellender fact-finding bill, and agreed to hold at a later date further hearings on the Ball-Burton-Hatch bill and other labor bills. But the Senator from Minnesota [Mr. BALL], in spite of the committee's decision to act expeditiously, asked and induced the committee to consider the whole labor-relations problem by offering his bill as a substitute for the Ellender bill.

At a subsequent executive meeting, after some hearings, the committee decided it could not report any labor-relations legislation before the Christmas recess. The committee set hearings for the first day of the second session, and the committee held hearings over a period of approximately 24 days.

At the conclusion of the hearings the full committee and a special subcommittee which was appointed to draft a bill sat in executive sessions and agreed to report a bill which we considered presented the best possible method of promoting sound and harmonious labor relations.

The committee reported the bill to the floor of the Senate on April 15. It lay on the calendar from that time. No Senator called it up until last week, when the United Mine Workers, led by John L. Lewis, became the object of widespread public criticism and condemnation.

Mr. President, in view of the facts I have stated, I submit that no fair-minded person can say that the Committee on Education and Labor of the United States Senate has been the "graveyard of labor legislation" since I have been chairman of it. I have responded to every request that was made by any member of the committee for action on bills which have been pending before us. As I have stated, the committee has considered some of the most important legislation before the Congress.

In response to inquiries, at the time when the committee was considering labor-relations bills, as to whether the bills would be pigeon-holed. I told the press and the members of the committee that I would be willing even to report—although with a negative report, to be sure—the Case bill, as passed by the House of Representatives, rather than to pigeon-hole labor legislation.

Mind you, also, Mr. President, the committee has been busy with many other pieces of legislation, many of them highly controversial and technical. The committee has had referred to it some 90 bills. We have acted upon 36 of them and have held hearings on 26. We have been very active. The chairman feels that the committee has a record of which the Senate can well be proud.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. HILL. I wish to say for the Senator that I think two of the finest pieces of legislation that ever have been reported by any committee in the history of the Congress—to wit, the hospital and health bill and the Federal aid-to-education bill—have been reported by the Senate Committee on Education and Labor during the present session of Congress. I do not think there have ever been two finer or more important or more far-reaching bills, insofar as their consequences regarding the public health are concerned, than those.

As the Senator has said, the committee has been in daily and almost continuous session, week after week and month after month.

Mr. MURRAY. The Senator is exactly correct. I thank him for his contribution.

I wish to ask the Senator if at any time he has observed that I have undertaken to block or restrict the committee or the Senate in any manner in connection with legislation pending before the committee?

Mr. HILL. To the contrary, Mr. President, I will say to the Senator that I have been to him a number of times and have asked his cooperation and help in securing action on legislation pending before his committee, and I always found that he cooperated fully and wholeheartedly and did all he could to obtain action.

Mr. MURRAY. And I acted promptly, too.

Mr. HILL. The Senator certainly did.

Mr. MURRAY. And I never delayed.

Mr. HILL. The Senator never did.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. ELLENDER. Mr. President, I was not in the Senate Chamber a while ago when a charge was made by the distinguished Senator from Kansas [Mr. REED]. I have been a member of the Committee on Education and Labor for nearly 9½ years. The distinguished Senator from Montana has been chairman of the committee since January of last year. I know he has been very diligent in doing the work of the committee. Of course, we have not always seen eye to eye; but I can say that in regard to any bill which ever came before the committee and which needed hearings, he was always "on tap" and he always saw to it that hearings were held in time.

Mr. MURRAY. And I wish to say that in order to carry out the wishes of the Members of the Senate it has been necessary for me to be almost constantly holding committee sessions, either executive sessions or hearings at which testimony was taken in regard to measures before us.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. PEPPER. I wish to very heartily subscribe to the testimonials of faithfulness which have just been uttered by the Senator from Alabama and the Senator from Louisiana in regard to the chairmanship of the able Senator from Montana. I believe that if the record is checked to ascertain the number of hearings and the number of days consumed in hearings by the several committees of the Senate since the able Senator from Montana has been chairman of the Committee on Education and Labor, it will be found that if his committee does not lead the list it certainly is one of the leading committees in both those respects.

I also wish to say that I distinctly recall that when we had this very measure pending before the committee a number of Senators complained that the Senator from Montana insisted on morning and afternoon sessions of the committee in order to expedite a report to the Senate.

So, in spite of the fact that he has been handling legislation which is keenly controversial in character, I believe that without any doubt the overwhelming majority of his committee can only commend his faithful leadership and chairmanship of the committee and his faithful public service.

Mr. AIKEN. Mr. President, if the Senator from Montana has time to yield 4 or 5 minutes to me, I should like to speak as a member of the Committee on Education and Labor. During the 5 years that I have been in the Senate I have been a member of that committee. The Senator from Utah was chairman for a part of the time, and the Senator from Montana has been the chairman in recent years.

Mr. REED. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REED. I call attention to the fact that the Senator from Montana is supposed to have the floor. The Senator from Vermont is making a speech.

Mr. MURRAY. I am allowing Senators to use my time.

Mr. AIKEN. Mr. President, I shall later take time in my own right, and shall make a somewhat longer speech.

The ACTING PRESIDENT pro tempore. Of course, it is not permissible for one Senator to make a speech in the time of another Senator.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. SMITH. I have been a member of the Committee on Education and Labor for the last few years. While I have not agreed with the Senator from Montana all the time, I wish to take this occasion to pay a tribute to his fairness and leadership in the committee. I regret that the committee under his leadership has been criticized.

Mr. MURRAY. I thank the Senator.

Mr. President, I regret that these charges and accusations have been made, because they have gone out to the public, and articles have been published in newspapers and magazines holding me up to public ridicule and contempt because of these false statements made by people who ought to know better. If anyone wishes to look at the record, it will be found that the committee has

held a great number of hearings, and every member of the committee will acknowledge that I have never held up any bill or prevented speedy action on it in the committee, since I have been in charge of it.

I wished to make this statement tonight because of the continuance of such false statements and their continued circulation throughout the country. I think the people of the United States should know the truth about this matter, and that a Senator who is trying to do the fair thing and the just thing should be treated fairly by the press. I do not accuse the press of being dishonest in this matter. They have been misled by charges made by Senators who should know better.

Mr. REED. Mr. President, I think the Senator from Montana, the chairman of the Committee on Education and Labor, has taken entirely too seriously the rather offhand remark I made about the reputation of the Committee on Education and Labor as being the graveyard of labor legislation. I think that impression is rather general; and the Senator from Montana confirms it by his complaint about the criticisms the press have made of the committee. Mr. President, nothing that I could do, and nothing that the press could do, could carry anything like the emphasis which the Senate of the United States has carried in repudiating the action of the majority of the Committee on Education and Labor on the legislation which we have been considering here in this body during the last 2 weeks.

We have had, I believe, eight roll calls, and on each roll call the present chairman of the committee, the former chairman of the committee, and the most voluble member of the committee have stood together, and by an increasing majority the Senate of the United States repudiated the chairman of the committee, and the former chairman of the committee, as well as other members of the committee, and accepted the views of the minority.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REED. Never in my experience in the Senate have I seen a major committee receive such emphatic rejection and be so emphatically repudiated by such overwhelming majorities as occurred today.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REED. I yield for a question.

Mr. PEPPER. Mr. President, I am sure the able Senator from Kansas would not deny to a Senator, merely because he happended to be the chairman of the committee, the right to express his views and follow a course on the Senate floor which he believed to be right. In this case, would the Senator overlook the fact that the Senator from Montana [Mr. MURRAY] was acting pursuant to the direction of the majority of the committee? The Senator from Kansas surely would not deny to a chairman of the committee the right to take a position on the floor of the Senate in accordance with his conscience and judgment.

Mr. REED. I would not take away from the chairman of the committee any privilege or right which he might have. I would not take off any of the bouquets which have been pinned upon his breast. [Laughter.] But that does not alter the fact that I have not seen in my experience in the Senate the majority of a major committee of this body so emphatically repudiated as has been done by the Senate today.

Mr. AIKEN. Mr. President, I wish to say that any charge that the chairman of the Committee on Education and Labor has not been diligent in the performance of his duties, cannot be sustained. The Senator from Montana [Mr. MURRAY], in his capacity as chairman of the Committee on Education and Labor, has been very diligent. I have not been able to attend the hearings of that committee as often as I should like to have attended them because of other committees being in session at the same time, which I was compelled to attend. But no Senator has been more tireless in his work than has the chairman of the Committee on Education and Labor.

I should like the RECORD to show the membership of that committee so that persons who read the RECORD may know who are the Senators who are dominated by the committee chairman.

The chairman is JAMES E. MURRAY, of Montana. The ranking member is DAVID I. WALSH, of Massachusetts, chairman of the Naval Affairs Committee. The next member is ELBERT D. THOMAS, of Utah, chairman of the Military Affairs Committee. The next member is CLAUDE PEPPER, of Florida, chairman of the Committee on Patents. The remaining members are ALLEN J. ELLENDER, of Louisiana, chairman of the Committee on Claims; DENNIS CHAVEZ, of New Mexico; JAMES M. TUNNELL, of Delaware, chairman of the Committee on Pensions; JOSEPH GUFFEY, of Pennsylvania; OLIN D. JOHNSTON of South Carolina, J. WILLIAM FULBRIGHT, of Arkansas; ROBERT M. LA FOLLETTE, Jr., of Wisconsin; ROBERT A. TAFT, of Ohio, who has been particularly dominated by the chairman [laughter]; GEORGE D. AIKEN, of Vermont; JOSEPH H. BALL, of Minnesota; H. ALEXANDER SMITH, of New Jersey; WAYNE MORSE, of Oregon, and FORREST C. DONNELL, of Missouri. Can any Senator imagine the members of that committee doing anything which they did not wish to do? [Laughter.]

The majority of the committee reported bills many times when they knew they would be defeated on the floor of the Senate. The bill which we are now discussing is one of them. The majority of the committee knew perfectly well that the minority views would be sustained by the Senate.

If Senators will examine the record they will find that, with the exception of the Committee on Claims, which must consider hundreds of bills each year, and the Judiciary Committee, there are more bills on the Senate Calendar which have been reported by the Committee on Education and Labor than there are bills which have been reported by any other committee.

In addition to the bills which are already on the calendar, the committee reported to the Senate the emergency housing bill, which has already passed the Senate. It also reported the hospital bill. We have held hearings for days on bills relating to health and education. As fast as we could conclude the hearings we did so and reported the measures to the Senate.

So I repeat, Mr. President, if any Senator says that the chairman of the committee has not been diligent, or that the committee has been withholding bills, such statement is not in accord with the facts.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. WILEY].

Mr. PEPPER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The yeas and nays have already been ordered.

Mr. BALL. Mr. President, I regret that we have reached the point where it has been thought necessary to make charges, and follow them with counter charges. I wish merely to say that in the consideration by the committee of the pending legislation the Senator from Montana, as chairman of the committee, cooperated fully and completely, in my opinion, with those who wished to expedite the matter.

I wish to speak on the pending amendment of the Senator from Wisconsin. The Senator from New Mexico [Mr. HATCH], our former colleague, who is now Associate Justice of the Supreme Court, Mr. Burton, and myself, introduced a bill last year which provided in cases of disputes vitally affecting the public interest, for the same kind of arbitration as that which has been suggested in the pending amendment. After studying the problems involved in compulsory arbitration, and after attending the hearings which were held on the subject, I became convinced that we could not in a rush write a compulsory arbitration provision. If the time comes when a strike or a lock-out cuts off a vital supply of goods or materials, we may have to pass legislation of that nature. But, when that time comes, I think it will be necessary for Congress to provide for an arbitration court and write standards and rules with regard to the issues which may be arbitrated. I do not think that can be done until after the matter has been considered thoroughly by a committee. Therefore, Mr. President, I must oppose the amendment offered by the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. WILEY]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr.

CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from California [Mr. DOWNEY], the Senator from Washington [Mr. MAGNUSON], the Senator from Louisiana [Mr. OVERTON], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

I also announce that, if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from California [Mr. DOWNEY], the Senator from Washington [Mr. MAGNUSON], and the Senator from South Carolina [Mr. MAYBANK], the Senator from Louisiana [Mr. OVERTON], and the Senator from Massachusetts [Mr. WALSH] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The result was announced—yeas 2, nays 74, as follows:

YEAS—2

Reed	Wiley	

NAYS—74

Aiken	Hatch	Myers
Austin	Hawkes	O'Daniel
Ball	Hayden	O'Mahoney
Barkley	Hickenlooper	Pepper
Brewster	Hill	Revercomb
Bridges	Hoey	Robertson
Briggs	Huffman	Russell
Brooks	Johnson, Colo.	Saltonstall
Buck	Johnston, S. C.	Smith
Byrd	Kilgore	Stanfill
Capehart	Knowland	Stewart
Capper	La Follette	Taft
Connally	Langer	Taylor
Cordon	Lucas	Thomas, Okla.
Donnell	McCarran	Thomas, Utah
Eastland	McClellan	Tobey
Ellender	McFarland	Tydings
Ferguson	McMahon	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Wheeler
Gerry	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wilson
Gurney	Murdock	Young
Hart	Murray	

NOT VOTING—20

Andrews	Chavez	Overton
Bailey	Downey	Radcliffe
Bankhead	Glass	Shipstead
Bilbo	Gossett	Tunnell
Bushfield	McKellar	Walsh
Butler	Magnuson	Willis
Carville	Maybank	

So Mr. WILEY's amendment was rejected.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PEPPER. Mr. President, I wish to make a very brief observation. All of us remember the 1926 general strike in Great Britain. For a number of days the Empire of Great Britain was relatively paralyzed by that general strike. The public reaction something like a year later led to the imposition of a law which I would regard as very much akin to some of the proposals which have been incorporated in the bill about to be voted upon, and very much in the same spirit, although I believe not quite so drastic, as the recommendations the President made this afternoon to the joint session.

I have not examined in detail the record of Great Britain under the 1927 law, which grew out of antipathy toward labor resulting from the general strike, but it has been my distinct impression that I have heard the statement of a distinguished British statesman that, during the time intervening from 1927 to the present year, few strikes in Great Britain were prevented by that legislation.

I stated on the floor a few days ago, and I thought it was proper for me to state it, because other Senators heard him, that the present leader of the House of Commons, Mr. Herbert Morrison, stated here in Washington recently his opinion that the British law had not had any efficacy in the prevention of strikes, since it had been on the statute books of Great Britain, and that its impending repeal—it may have been repealed by now in the British Parliament, it was going through the stages of repeal very recently—its impending repeal should not, in the opinion of the leader of the House of Commons, lead to any greater strike emergencies in Great Britain.

With that stringent law upon the statute books, I have heard it stated time and again that, even in the kind of war Great Britain experienced, when people's businesses and homes and families and lives were being destroyed by the enemy, there were more strikes in Great Britain, according to the number of people in each country, than in the United States of America. Yet that stringent legislation was on the statute books of Great Britain while we had no effective antistrike legislation on our books at all.

I believe that it is one of the great tributes that came out of this war for democracy, for the American type of democracy, that we defeated the most vicious and powerful totalitarian states in the world and never lost our essential character as a great democracy. We never stifled free speech even as much as we did in World War I. We never closed up any newspapers that I know of, certainly no newspapers which had any claim to legitimacy, during World War II, even as much as we did in World War I. We had learned by experience.

I do not know of any people who were put in jail, except spies or saboteurs. We did not in World War II go as far as we did in World War I in putting in jail people who exercised the privilege of free and critical speech of President, Government, or policy.

Yet, Mr. President, we mobilized might in this Nation the like of which the world has never seen, and almost as commendable and glorious as the records of our fighting men are the records of our working men and women here in the United States in a freely functioning democracy.

Mr. President, in 1946 the British Government either has gotten rid of the 1927 law, or it is in process of repealing that legislation. I venture to predict, if any of us on this floor enjoy normal, physical, and political life, that we will see the time when the Senate will reverse the action taken even upon some of the amendments adopted to the pending legislation, and surely, if we should go so far as our distinguished President has asked us to go today, I cannot but believe that the majority of us would rue the day we ever went so far in such a time as this.

Yet I am thoroughly sympathetic with the attitude existing in the country. The problem is a grievous one, the answer to which we have not yet found.

It has been stated repeatedly by able Senators on this floor, even advocates of the amendments, that they did not hope or expect that their amendments, if adopted, would stop strikes. When this bill is passed in a few minutes, I hope the disappointment of the American people will not be too great, because in view of all the controversy and the clash of opinion, and sometimes of tempers when we were all fatigued, or deeply agitated by our point of view, due to all the disturbances, and all the furor, and all the pressure that has been exerted in the past 2 weeks, they got the impression we were on the threshhold of passing legislation which would stop strikes.

The President himself, by his recommendations this afternoon, indicated that this bill offers no efficacy in stopping strikes, and he had to propose additional legislation. So I think it is only fair that the people out in the country who have not been able to sit in the galleries, who have not been privileged to be on the floor of the Senate, should accredit those of us who have opposed these amendments, like those who were the advocates of the amendments, with attempting to work in the public interest as we saw it. Perhaps we erred. Only time will tell who of us was right.

I am sure that if anything has been said by any Senator sharing my point of view that in any way at all reflected upon any other Senator, he is deeply sorry he said it in the heat of debate, and we hope what will be remembered will be the pleasant things that were said rather than when we have grown fatigued and said things we may regret.

We are said by many people to be trying to protect strikes. I disclaim that, and protest the assertion. There are many who believe we are trying to condone the abuses of labor leaders. I deny with all the vigor of which I am capable any such design on the part of those who were opposed to some of the restrictive amendments. I hope public opinion will understand that this

is a controversial subject, that it is a part of the process of an experimental democracy. In the clash of competing opinion we are fighting and finding our way forward, and the important thing is that each of us in all these controversies and contests shall do what he in his conscience truly believes to be right.

So, Mr. President, in the final vote on this measure I simply wanted to say that I do not believe that all that has been expected of this legislation, amended as it has been, will be achieved. I anticipate the coming of the day when we will go back truly to the principles for which the able Senator from New York [Mr. WAGNER] has so long fought. He is sitting here now in the Senate Chamber, I cannot but believe thinking sorrowfully of what he has seen done in the last few weeks. I cannot but believe that the day will come when labor leaders, business executives, employees, and management, and all of us will have learned to restrain ourselves in the exercise of our freedoms and our liberty so that we will not effect a hamstringing by the passage of legislation, but under our own consciences and our sense of public duty will still contribute to the welfare of a great and growing democracy.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

Mr. WILEY. Mr. President, I was not a member of the Senate when the Wagner Act was passed, but the situation that existed at that time, which justified the passage of that act, was similar to the situation which exists now, which is justification for the passage of this measure. Although I believe the measure could have been improved if we had placed in it a provision for compulsory arbitration, I believe the law will be a good one, and I believe that it will be called the Magna Carta for the public welfare.

I ask Senators to turn back the pages of time. Why did the Senator from New York and other Senators join to pass the Wagner Labor Act? Because power was being exercised ruthlessly against labor. Labor then was young. But it grew in stature and in might. It grew up. And labor, as is true with every group and practically every individual when power is secured, does not use it to the best interests of the other fellow.

I had little or nothing to do with the amendments incorporated in the bill except to vote for them, but I will say that I have stood for the principle contained in every one of them prior to coming to the Senate. I have stood for compulsory arbitration. If it appears in the course of time that all the other steps we have taken in amending the bill, which, in my humble opinion, deprive labor of nothing, but assure the public that there will not be permitted in labor's ranks the autocracy that was manifested in capital's ranks, then the result will be to the betterment of the public.

Mr. President, I do not fear any evil consequences from the enactment of this measure. A great President once said, as Senators on the other side will remember, that the only thing we have to fear is fear itself. In my judgment, 99 percent of labor wants these very amendments. I have said before that many letters have come to me not only from laboring men themselves but from officials of labor unions, some of the largest labor unions in my State, who have seen the 10-point program I have spoken for, and have said, "You are right." They want their homes. They want decent wages. They want to be secure in their living the same as we do. And when within their ranks there rises the same autocratic disposition to chisel them into a line of thinking and action, they resent it.

So, Mr. President, I conclude with the thought that tonight we are passing a Magna Carta for the general welfare, and that by passing it we are securing the rights of labor as well as of management, the farmer, and everyone else.

The ACTING PRESIDENT pro tempore. The bill having been read a third time, the question is: Shall it pass?

Mr. RUSSELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] and the Senator from Louisiana [Mr. OVERTON] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina [Mr. MAYBANK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Louisiana [Mr. OVERTON], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

I announce further that the Senator from California [Mr. DOWNEY], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained. If present and voting, both Senators would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 49, nays 29, as follows:

YEAS—49

Austin	Gerry	Robertson
Ball	Gurney	Russell
Brewster	Hart	Saltonstall
Bridges	Hatch	Smith
Brooks	Hawkes	Stanfill
Buck	Hickenlooper	Stewart
Byrd	Hoey	Taft
Capehart	Huffman	Tobey
Capper	Johnston, S. C.	Tydings
Connally	Knowland	Vandenberg
Cordon	Lucas	Wherry
Donnell	McClellan	White
Eastland	Millikin	Wiley
Ellender	Moore	Wilson
Ferguson	O'Daniel	Young
Fulbright	Reed	
George	Revercomb	

NAYS—29

Aiken	Langer	Myers
Barkley	McCarran	O'Mahoney
Briggs	McFarland	Pepper
Green	McMahon	Shipstead
Guffey	Magnuson	Taylor
Hayden	Mead	Thomas, Okla.
Hill	Mitchell	Thomas, Utah
Johnson, Colo.	Morse	Wagner
Kilgore	Murdock	Wheeler
La Follette	Murray	

NOT VOTING—18

Andrews	Carville	Maybank
Bailey	Chavez	Overton
Bankhead	Downey	Radcliffe
Bilbo	Glass	Tunnell
Bushfield	Gossett	Walsh
Butler	McKellar	Willis

So the bill H. R. 4908 was passed.

Mr. BALL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make all necessary clerical and technical changes, including changes in section numbers and cross references in the Senate engrossed amendments to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY. Mr. President, I ask unanimous consent, out of order, from the Committee on Interstate Commerce, to report, with amendments, House bill 6578, to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace. I will state to the Senate that if this report is permitted to be filed, I shall ask unanimous consent that the Senate proceed to consider the bill and make it the unfinished business. However it is not the intention to proceed with the consideration of the bill until Monday.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I ask unanimous consent that the Senate proceed to the consideration of the bill, with the understanding that it will not be proceeded with until Monday.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had

been reported from the Committee on Interstate Commerce with amendments.

Mr. BARKLEY. I ask unanimous consent that the bill which I have just reported, and which has been made the unfinished business, be printed with the amendments recommended by the committee, and be available for Members of the Senate on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILEY subsequently said: Mr. President, I understood the majority leader to state that the bill which has just been reported was reported with some amendments. I wish to know if the copies which have been distributed to Senators show the amendments?

Mr. BARKLEY. No; they do not. I have asked that the bill be printed with the amendments, so that all Senators may have copies showing the amendments. The amendments are merely technical and textual in character, and do not change the substance of the legislation. For the benefit of the Senate, I have asked that the bill be printed so that all Senators may know the amendments recommended by the committee.

Mr. WILEY. As I understand, nothing is materially changed by the committee amendments?

Mr. BARKLEY. That is true.

Mr. WILEY. I thank the Senator.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

NOMINATIONS PASSED OVER

Mr. BARKLEY. Mr. President, at the request of Members of the Senate I ask that the first two nominations on the Executive Calendar may go over until Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will state the remaining nominations on the calendar.

FOREIGN SERVICE

The legislative clerk read the nomination of Arthur B. Emmons 3d, to be consul of the United States of America.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Norris S. Haselton to be a consul of the United States of America.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES MARITIME COMMISSION

The legislative clerk read the nomination of Vice Admiral William Ward Smith to be a member of the United States Maritime Commission for the unexpired term of 6 years from April 16, 1943.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL HOUSING AGENCY

The legislative clerk read the nomination of Wilson W. Wyatt to be Housing Expediter in the National Housing Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Robert E. Healy to be a member of the Securities and Exchange Commission for the term expiring June 5, 1951.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Richard B. McEntire to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1948.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 10 o'clock and 28 minutes p. m.), the Senate took a recess until Monday, May 27, 1946, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of March 5), 1946:

FOREIGN SERVICE

Arthur B. Emmons 3d to be consul of the United States of America.

Norris S. Haselton to be consul of the United States of America.

UNITED STATES MARITIME COMMISSION

Vice Admiral William Ward Smith to be a member, United States Maritime Commission for the unexpired term of 6 years from April 16, 1943.

NATIONAL HOUSING AGENCY

Wilson W. Wyatt to be Housing Expediter.

SECURITIES AND EXCHANGE COMMISSION

Robert E. Healy to be a member, for the term expiring June 5, 1951.

Richard B. McEntire to be a member, for the remainder of the term expiring June 5, 1948.

IN THE NAVY

APPOINTMENTS IN THE NAVY FOR TEMPORARY SERVICE

John H. Towers to be admiral, to rank from November 7, 1945.

DeWitt C. Ramsey to be admiral, to rank from December 28, 1945.

Arthur W. Radford to be vice admiral, to rank from December 28, 1945.

Forrest P. Sherman to be vice admiral, to rank from December 28, 1945.

Lawrence B. Richardson to be rear admiral, to rank from April 6, 1943.

Rico Botta to be rear admiral, to rank from June 30, 1943.

Leslie C. Stevens to be rear admiral, to rank from July 3, 1943.

Clinton E. Braine, Jr., to be rear admiral, to continue while serving as deputy to the Chief of the Material Division, Office of the Assistant Secretary of the Navy, to rank from January 8, 1946.

Earl E. Stone to be rear admiral, to continue while serving as Chief of Naval Communications, Office of the Chief of Naval Operations, to rank from January 8, 1946.

William S. Parsons to be rear admiral, to continue while serving as Assistant Chief of Naval Operations (Special Weapons), to rank from January 8, 1946.

Leland P. Lovette to be rear admiral, to continue while serving as Chief of the United States Naval Mission to Brazil and until reporting for other permanent duty, to rank from January 8, 1946.

Joel T. Boone to be medical director, with the rank of rear admiral, to rank from September 17, 1942.

Frederic L. Conklin to be medical director, with the rank of rear admiral, to rank from September 17, 1942.

John P. Owen to be medical director, with the rank of rear admiral, to rank from September 18, 1942.

Thomas C. Anderson to be medical director, with the rank of rear admiral, to rank from September 18, 1942.

Archie A. Antrim to be pay director, with the rank of rear admiral, to rank from September 15, 1943.

Charles W. Fox to be pay director, with the rank of rear admiral, to rank from September 15, 1943.

APPOINTMENTS FOR TEMPORARY SERVICE, WHILE SERVING AS INDICATED, AND TO CONTINUE DURING ANY ASSIGNMENT WHICH IS COMMENSURATE WITH RANK OF COMMODORE, OR UNTIL REPORTING FOR OTHER PERMANENT DUTY

Charlton E. Battle, Jr., to be commodore, while serving as commander, United States naval operating base, Guantanamo Bay, Cuba, to rank from April 13, 1944.

Paul S. Theiss to be commodore, while serving as commanding officer, United States naval training station, Newport, R. I., to rank from April 13, 1944.

Allen G. Quynn to be commodore, while serving as chief of staff to commander, Eastern Sea Frontier, to rank from April 13, 1944.

Homer W. Graf to be commodore, while serving as supervisor, New York Harbor, N. Y., to rank from November 10, 1944.

Paul F. Lee to be commodore, while serving as Assistant Director of the Shore Division, Bureau of Ships, to rank from January 12, 1946.

Thomas G. Peyton to be commodore, while serving as commandant, United States naval operating base, Guam, to rank from January 12, 1946.

Myron W. Hutchinson, Jr., to be commodore, while serving as chief of staff to commander, Hawaiian Sea Frontier, to rank from January 12, 1946.

Charles J. Rend, to be commodore, while serving as Deputy Chief of Naval Intelligence to rank from January 12, 1946.

John F. Wegforth to be commodore, while serving as commander, naval air bases, Thirteenth Naval District, to rank from January 12, 1946.

Daniel F. Worth, Jr., to be commodore, while serving as deputy commander, Marianas, and chief of staff and aide to commander, Marianas, to rank from January 12, 1946.

George A. Seitz to be commodore, while serving as commander naval air bases, First Naval District, to rank from January 12, 1946.

Walton W. Smith to be commodore, while serving as commander, Carrier Division 19, to rank from January 12, 1946.

Charles R. Jeffs to be commodore, while serving as commanding officer, United States Naval Advanced Base, Weser River, Germany, to rank from January 12, 1946.

Henry P. Needham to be commodore, while serving on the staff of commander, Service Force, United States Pacific Fleet, to rank from January 12, 1946.

HOUSE OF REPRESENTATIVES

SATURDAY, MAY 25, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Not unto us, O Lord, but unto Thee give glory for Thy mercy. Come unto us with needful lessons, cleansing our thoughts and motives. In this hour of unparalleled crisis, we are anxious for our Nation, and pray that the great lights of patriotism and liberty may not be smothered by indifference or by the distractions of personal gain.

In a land so rich with heaven's blessings, forbid that any should move lawlessly or be hard of heart and blind of eye to those who are dependent upon them. Guard and gird us against any forces that would threaten the life of our civilization, and grant that the freedoms which have been gained and the institutions founded in sacrifice and toil may be carried to greater achievements. Help us to approach our responsibilities calmly, undisturbed, remembering that he who is slow to anger is better than the mighty. Bless and sustain our President as he asserts the power and dignity of free government; may he be assured of the loyalty and confidence of all our citizens.

"God bless our native land!
Firm may she ever stand,
Through storm and night;
Thou who art ever nigh,
Guarding with watchful eye,
To Thee aloud we cry,
God save the state!"

In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 153. Concurrent resolution providing for a joint session of the Congress on Saturday, May 25, 1946.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) entitled "An act to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes."

SUSPENSION OF THE RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that any time today or on Monday next it shall be in order for the Speaker to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. MARCANTONIO. I object, Mr. Speaker.

Mr. McCORMACK. Will the gentleman reserve his objection?

Mr. MARCANTONIO. I reserve the right to object, Mr. Speaker.

Mr. McCORMACK. May I suggest to the gentleman that this will obviate the necessity of a rule from the Rules Committee. Of course, two-thirds of the Members voting in favor of a rule, the legislation could be considered at once, notwithstanding the requirement that a rule should lie over 24 hours. This unanimous-consent request is to expedite action and to obviate the delay of going to the Rules Committee for a rule.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. Just a minute; I have the floor. I wish to reply to the distinguished majority leader.

I prefer to have the rule so that the House will have an opportunity to debate and vote and express itself, while by this method those of us who are opposing what is going to be attempted here will be put in a position of consenting. Therefore, with all due respect for the gentleman, for whom I have a great personal affection, I am constrained to object because of principle.

The SPEAKER. Objection is heard.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I wish to ask the distinguished majority leader, for the information of the House, if it is his intention now that objection has been made to get a rule and have action on it?

Mr. McCORMACK. That is the intention at the present time.

Mr. MARTIN of Massachusetts. Then the membership following the address of the President will probably find itself in position to take action upon the request.

The SPEAKER. The intention——

Mr. McCORMACK. That is the present intention.

Mr. MARCANTONIO. I object, Mr. Speaker.

The SPEAKER. The Chair will make a statement in his own right.

It is the intention of the gentleman from Massachusetts to ask the Committee on Rules to meet immediately and adopt a rule and report it out before the Chair declares a recess.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. If we took the bill up under a suspension of the rules, it would require a two-thirds vote to pass it.

The SPEAKER. Yes.

Mr. RANKIN. But under a rule it will require only a majority vote unless the rule provides for a suspension of the rules. So the gentleman from New York [Mr. MARCANTONIO] will not have gained anything by his objection.

Mr. MARCANTONIO. The rule must provide for suspension and a two-third majority will be required to pass the legislation. The gentleman from New York exercises his privilege as a Member of this House and objects despite the gratuitous advice of the gentleman from Mississippi.

The SPEAKER. The gentleman has objected.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, on yesterday the House granted unanimous consent for me to incorporate in my remarks a letter from the Attorney General on the bill S. 7. I am advised by the Public Printer that the cost will be $180. Notwithstanding the excess, I ask unanimous consent that the letter and its addendum may be printed in the RECORD.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent secondly to put in a memorandum on the same subject by the Department of Justice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BLOOM asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an address by Hon. James A. Farley.

Mr. LANE asked and was given permission to revise and extend his remarks.

Mr. LYLE asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD and include a letter and a resolution.

HOD CARRIERS AGAINST DRASTIC STRIKE ACTION

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.